

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

MEETING OF LICENSING COMMITTEE – COMBINED PACK

Dear Alderman/Councillor,

The above-named Committee will meet in the Banqueting Hall, City Hall on Wednesday, 13th November, 2019 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest
- (d) Committee Schedule 2020 (Pages 1 - 2)

2. Delegated Matters

- (a) Applications Approved Under Delegated Authority (Pages 3 - 10)
- (b) Application for the Grant of an Amusement Permit for Onassis Amusements, 25-41 Botanic Avenue (Pages 11 - 64)
- (c) Final decision on competing Stationary Street Trading Licence applications for Fountain Street site. (Pages 65 - 102)
- (d) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 103 - 106)

3. **Non-Delegated Matters**

(a) Member Training (Pages 107 - 110)



Subject:	Schedule of Meetings 2020
Date:	13th November, 2019
Reporting Officer:	Eilish McGoldrick, Democratic Services Officer. Ext. 6307
Contact Officer:	Eilish McGoldrick, Democratic Services Officer. Ext. 6307

Is this report restricted?	Yes	☐	No	☒
Is the decision eligible for Call-in?	Yes	☒	No	☐

1.0	Purpose of Report or Summary of main Issues
	To advise the Committee of the dates and times of the meetings of the Licensing Committee between January and December, 2020.
2.0	Recommendations
	The Committee is requested to approve the schedule of meetings as outlined.
3.0	Main report
	<u>Key Issues</u>
3.1	The monthly meeting of the Licensing Committee is normally held at 5.00 p.m. on the 3rd Wednesday of each month.
3.2	However, due to holiday periods and the timing of the monthly Council meetings and, in order to assist with the decision-making process, it has been necessary on occasions to move some of the meetings to later in the month.
3.3	Accordingly, the following dates have been identified for meetings of the Licensing Committee for the period from January to December, 2020: • Wednesday, 22nd January • Wednesday 19th February • Wednesday, 18th March • Wednesday, 15th April • Wednesday, 20th May • Wednesday, 17th June • Wednesday, 19th August

	• Wednesday, 16th September • Wednesday, 14th October • Wednesday, 18th November • Wednesday, 16th December All meetings to commence at 5.00 p.m.
3.4	<u>Financial & Resource Implications</u> None associated with this report.
3.5	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> None associated with this report.
4.0	Appendices – Documents Attached None associated with this report.



Subject:	Licences Issued Under Delegated Authority
Date:	13 November 2019
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext. 3375

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Some time in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☐ No ☒

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0Main report

3.1

Key Issues

Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Alexandra Park, Castleton Gardens, Belfast, BT15 3BY.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Alexandra Park, Castleton Gardens, Belfast, BT15 3BY.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
Alexandra Social Club, 170b Alexandra Park Avenue, Belfast, BT15 3GJ.	Renewal	Mr Samuel Crozier
Balmoral Golf Club, 518 Lisburn Road, Belfast, BT9 6GX.	Renewal	Mr Paul Scullion
BBC Blackstaff House, 62-64 Great Victoria Street, Belfast, BT2 8HQ.	Renewal	Mr Mark Taylor
Biddy Duffys, 133 Andersonstown Road, Belfast, BT11 9BU.	Renewal	Mr Peter Teague
Botanic Gardens, Stranmillis Embankment, Belfast, BT7.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Botanic Gardens, Stranmillis Embankment, Belfast, BT7.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
Boucher Road Playing Fields, Boucher Road, Belfast, BT12 6E.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Boucher Road Playing Fields, Boucher Road, Belfast, BT12 6E.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
Bullitt Hotel, 40A Church Lane, Belfast, BT1 4QN.	Renewal (Outdoor)	Mr James Sinton, Bullitt Trading Limited
C.S Lewis Square, Holywood Arches, Newtownards Road, Belfast, BT4 1HE.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
C.S Lewis Square, Holywood Arches, Newtownards Road, Belfast, BT4 1HE.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
Cardinal O'Donnells GAC, 43 Whiterock Road, Belfast, BT12 7PF.	Renewal	Mr Gerard Martin Sloan
Catch My Pal Billiards & Snooker Club, 191 Kingsway, Belfast, BT17 9RY.	Renewal	Mr Samuel Brown
Cathedral Park (Buoys Park), Academy Street, Belfast, BT1.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Cathedral Park (Buoys Park), Academy Street, Belfast, BT1.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council

Premises and Location	Type of Application	Applicant
Church of God Glenmachan, 13 Glenmachan Road, Belfast, BT4 2NL.	Renewal	Rev Alan Stephens
Cliftonville Bowling & Social Club, 13-23 Knutsford Drive, Belfast, BT14 6LZ.	Renewal	Mr Thomas Joseph Boyle
Cotton Court, 42 Waring Street, Belfast, BT1 2ED.	Grant	Miss Frances Porter, Big Telly Theatre Company
Crescent Arts Centre, 2-4 University Road, Belfast, BT7	Renewal	Mr Roger Courtney
Crowne Plaza Hotel, 117 Milltown Rd Shaw's Bridge, Belfast, BT8 7XP.	Renewal	Mr Rajesh Rana, Andras House Ltd
Crowne Plaza Hotel, 117 Milltown Rd Shaw's Bridge, Belfast, BT8 7XP.	Variation	Mr Rajesh Rana, Andras House Ltd
Drumglass Park, Lisburn Road, Belfast, BT9 6JF.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Duffy's Circus, Hillview Retail Park, Crumlin Road, Belfast, BT14.	Grant	Mr Mark McFerran
Duke of York, 11-13 Commercial Court, Belfast, BT1 2NB.	Renewal	Mr Willie Jack, Commercial Court Inns Ltd
Dunmurry Park, Kingsway, Dunmurry, Belfast, BT17 9SB.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
Dunmurry Presbyterian Church Hall, 224 Kingsway, Dunmurry, Belfast, BT17 9AE.	Renewal	Ms Angela Ritchie
Elliott Hall, Knock Presbyterian Church, 53 Kings Road, Belfast, BT5 6JH.	Renewal	Mr Andrew Spratt
Falls Park, Falls Road, Belfast, BT12 6AN.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Falls Park, Falls Road, Belfast, BT12 6AN.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
Fullerton Park Pavillion, Glenburn Road, Dunmurry, Belfast, BT17 9BJ.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Girdwood Community Hub, 10 Girdwood Avenue, Belfast, BT14 6EG.	Renewal	Ms Roma Doherty, Greenwich Leisure Ltd
Glen Road Community Centre, 2a Carrigart Avenue, Belfast, BT11 9HU.	Renewal	Ms Catherine Taggart, Belfast City Council
Grand Opera House, Great Victoria Street, Belfast, BT2	Renewal	Mr Ian Wilson, Grand Opera House Trust

Premises and Location	Type of Application	Applicant
Grove Health & Wellbeing Centre, 120 York Road, Belfast, BT15 3GU.	Renewal	Ms Julie Bolton, Greenwich Leisure Limited
Harland & Wolff Football & Social Club, 18-20 Dee Street, Belfast, BT4 1FT.	Renewal	Mr John Davidson
Hunting Lodge, 39 Stewartstown Road, Belfast, BT11 9BZ.	Renewal	Mr Terry Reilly, Beeches Drive Company Ltd
Linfield Supporters Club, Jumna Street, Belfast, BT13 1NX.	Renewal	Mr Charles Butler
Lower Crescent Open Space, Lower Crescent, Belfast, BT7 1NS.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
Maddens Bar, 74 Berry Street, Belfast, BT1 1JE.	Renewal	Mr Brian McMullan
Malone Lodge Hotel, 54-64 Eglantine Avenue, Belfast, BT9 6DY.	Renewal	Mr Brian Macklin, Malone Lodge Hotel Ltd
Margot, 18 Donegall Square East, Belfast, BT1 5HE.	Renewal & Transfer	Mr Andrew Maxwell, Clover Pubs NI NO.1 Ltd
McGraths Bar, 78-82 Cliftonville Road, Belfast, BT14 6JZ.	Renewal	Mr Peter McGrath
McHughs Bar, 29-31 Queens Square, Belfast, BT1 3FG.	Renewal	Mr Henry Downey, Eagle-Glen Limited
Methodist College, Whitla Hall, 1 Malone Road, Belfast, BT9 6BY.	Renewal	Ms Diana Boyd, Methodist College
Mountainview Tavern, 417-421 Shankill Road, Belfast, BT13 3AG.	Renewal	Mr Wilson McArthur
National Club, 17-19 Queen Street, Belfast, BT1 6EA.	Renewal	Mr Jim Mulholland
Odyssey Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Mr Brian McCormack, Matagorda3 Limited
Oh Yeah Music Centre, 15-21 Gordon Street, Belfast, BT1 2LG.	Renewal	Mr Ryan O'Neill, Oh Yeah Music Centre Ltd
Ormeau Park Bowling Pavilion, Ormeau Road, Belfast.	Renewal	Mr Ryan Black, Belfast City Council
Ormeau Park, Ormeau Embankment, Belfast, BT7.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Ormeau Park, Ormeau Embankment, Belfast, BT7.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council
QUB South Dining Hall, University Road, Belfast, BT7 1NN.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
QUB, The Great Hall, University Road, Belfast, BT7 1NN.	Renewal	Mrs Wendy Galbraith, Queens University Belfast

Premises and Location	Type of Application	Applicant
Royal Bar, 237 Shankill Road, Belfast, BT13 1FR.	Renewal	Mr James Hanna, Bar None NI Ltd
Royal Naval Association, 79-81 Great Victoria Street, Belfast, BT2 7AE.	Renewal	Mr Robert White
Saphyre Restaurant, 135 Lisburn Road, Belfast, BT9	Renewal	Mr Kris Turnbull, Zephyr Estates Ltd
Spectrum Centre, 331-333 Shankill Road, Belfast, BT13 3AA.	Renewal & Transfer	Ms Nicola Verner, Greater Shankill Partnership
SS Nomadic, Hamilton Dock, Queens Road, Belfast, BT2 9EP.	Renewal	Ms Judith Owens, Titanic Belfast Ltd
St Molua's Parish Church Hall, 639 Upper Newtownards Road, Belfast, BT4 3LR.	Renewal	Ms Helen Louise Poots
Stranmillis College Bar-Scholars, Stranmillis Road, Belfast, BT9 5DY.	Grant	Ms Christine Nesbitt, Stranmillis University College
Stranmillis College Drama Theatre, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Ms Christine Nesbitt, Stranmillis University College
Sunflower Bar, 65 Union Street, Belfast, BT1 2JG.	Renewal	Mr Pedro Donald, Yellow Brick Road (NI) Ltd
The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.	Renewal & Transfer	Ms Sarah Jones, The Black Box Trust
The Chubby Cherub, 11 Chichester Street, Belfast, BT1 4HW .	Grant	Ms Aine Mccusker, Chubby Cherub Coffee Co. Ltd
The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.	Renewal & Transfer (Marquee)	Mr David Neely, JAR (IRE) Limited
The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.	Renewal & Transfer (Outdoor)	Mr David Neely, JAR (IRE) Limited
The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.	Grant (Indoor)	Mr David Neely, JAR (IRE) Limited
The Great Eastern Bar, 273 Newtownards Road, Belfast, BT4 1AF.	Renewal	Mr Stephen Townsley
The Jeggy Nettle, 12 Stranmillis Road, Belfast, BT9 5AA.	Variation	Ms Janine Kane, JK Pubs Limited
The Menagerie, 130 University Street, Belfast, BT7 1HH.	Renewal	Mr Andrew Lambe, The Menagerie Inns Ltd
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Renewal & Transfer (Indoor)	Mr James Sinton, The Merchant Hotel Ltd

Premises and Location	Type of Application	Applicant
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Renewal & Transfer (Outdoor)	Mr James Sinton, The Merchant Hotel Ltd
The Playwright Bar & Time Nightclub, 5-6 Lower Crescent, Belfast, BT7 1NR.	Renewal	Mr Patrick Scullion, 1 Oak Leisure (Ireland) Ltd
The Thirsty Goat Bar & 21 Social, 1 Hill Street, Belfast, BT1 2LA.	Renewal	Mr Henry Downey, Eagle-Glen Limited
Titanic Belfast, 1 Olympic Way, Belfast, BT3 9DP.	Renewal & Variation	Ms Judith Owens, Titanic Belfast Limited
Titanic Belfast, 1 Olympic Way, Belfast, BT3 9DP.	Renewal (Marquee)	Ms Judith Owens, Titanic Belfast Ltd
Titanic Exhibition Centre, 17 Queens Road, Belfast, BT3 9DT.	Renewal	Ms Judith Owens, Titanic Belfast Limited
Ulster Reform Club, 4 Royal Avenue, Belfast, BT1 1DA.	Renewal	Ms Lorna McCrudden
Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Marquee)	Mr Ryan Black, Belfast City Council
Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Outdoor)	Mr Ryan Black, Belfast City Council

3.2

Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting. In each case the Licence holder has been convicted of an offence under the Order within five years of the application for a Licence being submitted to the Council, however each conviction has previously been considered by the Committee and delegated authority has only been exercised on the basis that:

- All safety, technical and managerial matters have been maintained in accordance with the terms, conditions and restrictions of the Entertainments Licence,
- There has been no recurrence of the breach for which the applicant was convicted, or any other offences have been committed,
- There are no representations in respect of the application.

Premises and Location	Type of Application	Applicant
Glenowen Inn, 108-116 Glen Road, Belfast, BT11 8BH.	Renewal	Ms Anne Quinn, The Keg Company (NI) Ltd
The Belfast Barge, Lanyon Quay, Belfast, BT1 3LQ.	Renewal	Ms Susan Doherty, Lagan Legacy Limited

3.3

Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.

	<table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Players, Unit 5-6, 133-137 Lisburn Road, Belfast, BT9 7AG.</td><td>Renewal</td><td>Ms Yuliya Rodgers, Play SS Ltd</td></tr><tr><td>Onassis Amusements, 17-19 Queen Street, Belfast, BT1 6EA.</td><td>Renewal</td><td>Ms Kelly Burns, Botanic Leisure Ltd</td></tr><tr><td>Odyssey Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.</td><td>Grant</td><td>Mr Brian McCormack, Matagorda3 Limited</td></tr></table>	Premises and Location	Type of Application	Applicant	Players, Unit 5-6, 133-137 Lisburn Road, Belfast, BT9 7AG.	Renewal	Ms Yuliya Rodgers, Play SS Ltd	Onassis Amusements, 17-19 Queen Street, Belfast, BT1 6EA.	Renewal	Ms Kelly Burns, Botanic Leisure Ltd	Odyssey Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Grant	Mr Brian McCormack, Matagorda3 Limited				
Premises and Location	Type of Application	Applicant															
Players, Unit 5-6, 133-137 Lisburn Road, Belfast, BT9 7AG.	Renewal	Ms Yuliya Rodgers, Play SS Ltd															
Onassis Amusements, 17-19 Queen Street, Belfast, BT1 6EA.	Renewal	Ms Kelly Burns, Botanic Leisure Ltd															
Odyssey Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Grant	Mr Brian McCormack, Matagorda3 Limited															
3.4	Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.																
	<table><tr><th>Location</th><th>Type of Application</th><th>Commodity</th><th>Hours Licensed</th><th>Applicant</th></tr><tr><td>Donegall Quay</td><td>Stationary</td><td>Hot food, non-alcoholic beverages</td><td>Mon – Sun: 09.00 – 21.00</td><td>Mr Ian Brown</td></tr><tr><td>Queen’s Quay</td><td>Temporary</td><td>LED foam glow sticks</td><td>27/10/2019 (Halloween Monster Mash) 16.30 – 19.00</td><td>Mr Andrew Thompson</td></tr></table>	Location	Type of Application	Commodity	Hours Licensed	Applicant	Donegall Quay	Stationary	Hot food, non-alcoholic beverages	Mon – Sun: 09.00 – 21.00	Mr Ian Brown	Queen’s Quay	Temporary	LED foam glow sticks	27/10/2019 (Halloween Monster Mash) 16.30 – 19.00	Mr Andrew Thompson	
Location	Type of Application	Commodity	Hours Licensed	Applicant													
Donegall Quay	Stationary	Hot food, non-alcoholic beverages	Mon – Sun: 09.00 – 21.00	Mr Ian Brown													
Queen’s Quay	Temporary	LED foam glow sticks	27/10/2019 (Halloween Monster Mash) 16.30 – 19.00	Mr Andrew Thompson													
3.5	Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting.																
	<table><tr><th>Location</th><th>Type of Activity</th><th>Date and Hours permitted</th><th>Applicant</th></tr><tr><td>West Belfast</td><td>Na Ceathrún Gaeltachta</td><td>08 September 2019 4.00 am to 11.00 am</td><td>Mr Máirtín Mac Gabhann</td></tr><tr><td>Carmel Street</td><td>Hello Neighbour</td><td>18 September 2019 3.00 pm to 8.00 pm</td><td>Ms Sophie Rasmussen</td></tr><tr><td>Duncrue Estate</td><td>Albertville 100yrs 5k</td><td>29 September 2019 11.30 am to 13.00 pm</td><td>Ms Jenny Hamilton</td></tr></table>	Location	Type of Activity	Date and Hours permitted	Applicant	West Belfast	Na Ceathrún Gaeltachta	08 September 2019 4.00 am to 11.00 am	Mr Máirtín Mac Gabhann	Carmel Street	Hello Neighbour	18 September 2019 3.00 pm to 8.00 pm	Ms Sophie Rasmussen	Duncrue Estate	Albertville 100yrs 5k	29 September 2019 11.30 am to 13.00 pm	Ms Jenny Hamilton
Location	Type of Activity	Date and Hours permitted	Applicant														
West Belfast	Na Ceathrún Gaeltachta	08 September 2019 4.00 am to 11.00 am	Mr Máirtín Mac Gabhann														
Carmel Street	Hello Neighbour	18 September 2019 3.00 pm to 8.00 pm	Ms Sophie Rasmussen														
Duncrue Estate	Albertville 100yrs 5k	29 September 2019 11.30 am to 13.00 pm	Ms Jenny Hamilton														
3.6	<u>Financial & Resource Implications</u>																
	None																
3.7	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>																
	There are no issues associated with this report.																

This page is intentionally left blank



Subject:	Application for the Grant of an Amusement Permit for Onassis Amusements, 25-41 Botanic Avenue
Date:	13 November 2019
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Moira Dougherty, Senior Building Control Surveyor, ext. 2458

Is this report restricted?	Yes ☐	No ☒
Is the decision eligible for Call-in?	Yes ☐	No ☒

1.0	Purpose of Report or Summary of Main Issues										
1.1	To reconsider an application from Hazeldene Enterprises Limited, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. <table> <tr> <td>Premises and Location</td><td>Applicant</td></tr> <tr> <td>Onassis Amusements</td><td>Hazeldene Enterprises Ltd.</td></tr> <tr> <td>2nd Floor</td><td>6 The Willows</td></tr> <tr> <td>25-41 Botanic Avenue</td><td>Magherafelt BT54 5RH</td></tr> <tr> <td>Belfast, BT7 1JG</td><td></td></tr> </table>	Premises and Location	Applicant	Onassis Amusements	Hazeldene Enterprises Ltd.	2 nd Floor	6 The Willows	25-41 Botanic Avenue	Magherafelt BT54 5RH	Belfast, BT7 1JG	
Premises and Location	Applicant										
Onassis Amusements	Hazeldene Enterprises Ltd.										
2 nd Floor	6 The Willows										
25-41 Botanic Avenue	Magherafelt BT54 5RH										
Belfast, BT7 1JG											
1.2	Members are advised that an Amusement Permit was granted for Onassis Amusements at your meeting on 6 October 2014.										
1.3	Subsequently, Oasis Retail Services Limited, an objector to the grant of the amusement permit, sought leave to apply for Judicial Review in respect of the decision of the Council to grant the permit. The Court of Appeal decision, delivered on 24 September 2018, resulted in the quashing of the decision of the Council to grant a permit to Hazeldene Enterprises Limited for premises at Botanic Avenue.										
1.4	The effect of the Judgement of the Court of Appeal to quash the decision is that the Licensing Committee must now consider the application afresh and in light of the Judgement.										
1.5	Mr John Gerard Burns is the applicant on behalf of Hazeldene Enterprises Limited.										
1.6	A location map is attached as Appendix 1.										

2.0	Recommendations
2.1	The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to: - The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, - 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, - Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and - Representation, if any, as a result of the public notices of advertisement.
2.2	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: - The applicant is a fit person to hold an Amusement Permit; and - 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.
2.3	Thereafter:- - You may refuse the application after hearing any representations from third parties, or - 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
2.4	In the case of premises, that have machines with the maximum cash prize of £25, where admission is restricted to persons aged 18 or over that – - no persons under 18 are admitted to the premises; and - at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition - 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.
2.5	Should you be of a mind to refuse the application for the 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. In this case you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.
2.6	If, subsequent to hearing the applicant, you refuse the application for the Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions the applicant may appeal that decision to the County Court.

3.0	Main report
	<u>Key Issues</u> 3.1 Members are reminded that the Licensing Committee is responsible for, and has full delegated authority for, determining all applications relating to the grant and provisional grant of Amusement Permits. <u>Original application</u> 3.2 Objections to the Grant of this application were received and a summary of the objection is as follows: • The suitability of the applicant; as the objector has concerns with regards to the applicants ability to run the property having due regard to the legal requirements pursuant to the Betting, Gaming, Lotteries and Amusements (NI) Order 1985. • That there is a significant number of premises/businesses with the benefit of amusement permits in the locality of the applicant's premises and as a consequence there is no need for an additional business of this nature and in this regard we are mindful of the criteria outlined in the Belfast City Council Amusement Permit Policy which was adopted by the council on 1 May 2013. • That consideration of the application should be deferred in light of an application for Judicial Review. 3.3 The detail of these objections and how they were considered are set out in the Minute of the meeting on 6 October 2014 which is attached at Appendix 2. After consideration of the application the Amusement Permit was granted. 3.4 At a meeting on 15 February 2017, Members were advised of the outcome of a Judicial Review Application by Oasis Retail Services Ltd. regarding the decision made by Belfast City Council to grant the Permit for Onassis Amusements. <u>Judicial Review of Council decision</u> 3.5 The matter was heard by His Honour Judge Maguire on the 23 and 24 June 2016 with submissions provided by legal representatives acting on behalf of the applicant and the Council. At the heart of the leave applications was the challenge from Oasis Retail Services Ltd. to the Council's Amusement Permit Policy and in particular that it did not adequately assess or consider the issue of cumulative build up nor was there account taken of the effect of larger numbers of amusement arcades on the character of the neighbourhood. 3.6 Judgment was subsequently handed down on the 13 January 2017 and the court decided that, in respect of the application: Leave to apply for judicial review was granted but the challenge was dismissed as the court was not satisfied that the council had failed to consider the issue of cumulative impact/proliferation of permits in relation to the character and amenity of the area or of the issue of the fitness of the applicant. 3.7 Whilst dismissing the challenges His Honour Judge Maguire raised some concerns regarding the current wording of the Amusement Permit Policy.

	<u>Appeal of Judicial Review decision</u>
3.8	Further to this decision, Oasis Retail Services Limited appealed the outcome of the Judicial Review and the Court of Appeal decision, delivered on 24 September 2018, resulted in the quashing of the decision of the Council to grant a permit to Hazeldene Enterprises Limited for premises at Botanic Avenue.
3.9	The Court of Appeal found that the question was not whether the Committee had ultimately in fact considered cumulative impact, rather, it was whether the Committee had wrongly interpreted its policy, i.e. that an application met criterion 2 of the Policy simply because there was no other arcade on that commercial frontage.
3.10	The Court of Appeal held that it was wrong to say that the cumulative impact criterion is met because there was no other arcade on the commercial frontage. They found that the Committee is required to consider the cumulative impact of the grant of requested permits on the character of the area and that in its decision, the Committee mis-interpreted the policy.
3.11	Committee is required to consider the cumulative impact of the grant of requested permits on the character of the area. The existence of other arcades on the commercial frontage is one, but only one, relevant factor. The assessment of cumulative impact should not however amount to an assessment of need.
3.12	The effect of the Judgement of the Court of Appeal to quash the decision is that the Licensing Committee must meet again to consider the application afresh and in light of the Judgement. The Council understands that the premises are continuing to trade pending the Committee's reconsideration of the application.
3.13	Members are advised that a review of the Policy is overdue but has been delayed pending the outcome of the judicial review proceedings.
3.14	After the permit was granted at Committee on 6 October 2014 it was first issued on 1 March 2017 upon completion of works to the premises. Application to renew the permit was made in January 2018 and the permit was granted under the Scheme of Delegation for the period 1 March 2018 to 28 February 2019. A further application to renew the permit was received on 10 January 2019 but, further to the Court of Appeal decision, this has not been considered.
	<u>Applicant</u>
3.15	For the application considered in 2014 the applicant made a request to operate the premises on Monday to Sunday from 8am to 5am the following morning. However, at the Committee meeting on 6 October 2014 the applicant agreed to operate on the days and hours that were in accordance with their planning permission; Monday to Saturday from 9am to 11:30pm and Sunday from 12pm to 11:30pm.
3.16	The applicant has since been granted amended hours by Planning and the current opening hours are now on Monday to Saturday from 9:30am to 6am the following morning and on Sunday from 12pm to 6am the following morning.
3.17	The permit is for a total of 227 gaming machines, all of which are to pay out a maximum all cash prize of £25. During an inspection of the premises on 1 March 2019 the actual number of machines on the premises was 154.
3.18	Mr Burns and/or his representatives will be available to discuss any matters relating to the grant of the permit at your meeting.

	<u>PSNI</u>
3.19	The PSNI has been consulted and, as enforcement of this legislation is a police matter, we suggested that they may wish to seek their own legal advice in relation to the continued operation of the premises in these unusual circumstances.
3.20	In relation to the original application we enquired if there had been any action taken by PSNI regarding the surveillance material forwarded to them from both the applicant (Hazeldene) and the objector (Oasis) prior to Committee on 6 October 2014. They have confirmed that no action was taken in response to this material.
3.21	Since the permit was issued in 2014 the police have not recorded any complaints regarding this establishment nor intervened in any disturbances which may be attributed to that premises.
3.22	The PSNI, having no other relevant information to offer, has confirmed that they have no objections to the application. The police have been invited to your meeting should you have any queries in relation the application. A copy of their correspondence is attached as Appendix 3.
	<u>NIFRS</u>
3.23	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objections to the application.
	<u>Health, Safety, Welfare and Technical requirements</u>
3.24	After the application was granted by Committee on 6 October 2014, the applicant submitted a Building Regulations application and the works undertaken have been completed satisfactorily.
	<u>Planning matters</u>
3.25	A planning application was made to the Planning Service on the 24 October 2013 for a change of use (second floor only) to an Amusement Arcade. This was granted on the 25 March 2014.
3.26	A copy of the planning permission is attached as Appendix 4.
3.27	The Committee may be aware that in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
3.28	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.
	<u>Amusement Permit Policy</u>
3.29	Members will be aware that the Council's Amusement Permit Policy was ratified at Council on 1 May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.
	The key Policy objectives are to:

	1. Promote the retail vibrancy and regeneration of Belfast; 2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. Support and safeguard residential communities in Belfast; 4. Protect children and vulnerable persons from being harmed or exploited by gambling; 5. Respect the need to prevent gambling from being a source of crime and disorder.
3.30	The Policy consists of two components which are considered below: 1. <u>Legal requirements under the 1985 Order</u>
3.31	Members must have regard to the legal requirements under the 1985 Order relating to: (a) The character, reputation and financial standing of the applicant:
3.32	References for the applicant are attached as Appendix 5 to the report for consideration. (b) The nature of the premises and activity proposed:
3.33	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 façade integrates with adjacent frontages. (c) Opinions of the Police:
3.34	The Police comments have been sought and reference is made in paragraph 3.19 of the report and attached as Appendix 3. (d) Submissions from the general public:
3.35	No objections have been received as a result of the public notices placed in three local newspapers. Solicitors for the original objector have been asked whether they wish to make any further representations on several occasions and have been referred to the Committee's Operating Protocol which requires objections to be made three weeks in advance of the Committee meeting so that they can be shared with the applicant. To date no further representations have been provided. 2. <u>Assessment criteria for suitability of a location</u>
3.36	There are five interrelated criteria set out in the Policy that 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.
3.37	Before considering each of these criteria it should be noted at the outset that this is a grant application because of the Judgement of the Court of Appeal and the Licensing Committee must consider the application afresh and in light of the Judgement. (a) Retail vibrancy and regeneration of Belfast:
3.38	The application premises are on the second floor of the former Arts Theatre building on Botanic Avenue. They are located outside the Retail Core of Belfast City Centre but within the limit of the City Centre, as defined in the Belfast Metropolitan Area Plan 2015 (BMAP).

	They are bordered on one side by the railway line and on the other side by office use. They do not therefore break up a continuous shopping frontage. (b) Cumulative build-up of amusement arcades in a particular location:
3.39	In the desire to promote retailing in the City Centre the Council is keen to avoid a clustering of amusement arcades at a given location. Accordingly, it restricts the number of amusement arcades on a commercial frontage to one. There are no other amusement arcades on this commercial frontage.
3.40	In assessing cumulative build up the Committee is also required to more broadly consider the issue of the proliferation of permits and the effect of same on the character and amenity of an area.
3.41	This particular location is within the City Centre but outside its Retail Core and its character is defined by a mix of mainly commercial uses, including shops, offices, eateries and licensed premises. Some of these licensed premises include other amusement arcades operating nearby within a walking distance of 200m. These include: Oasis, 14 Shaftesbury Square; Players, 22 Shaftesbury Square; and Mavericks, 28 Bradbury Place.
3.42	A map of nearby premises and existing amusement arcades in the City Centre is attached to this report at Appendix 6. (c) Impact on the image and profile of Belfast:
3.43	Whilst the Arts Theatre once performed an important role in hosting plays and various acts in Northern Ireland it was vacant for a considerable period of time until becoming operational again in recent years for use as a bingo hall and more latterly as an amusement arcade. The building is not listed and it has lawful development consent for use as a bingo hall and the incorporation of a slot machine area. Taking these considerations on board the application premises are not considered a tourism asset. The site is also not located at a recognised Gateway location into Belfast City Centre. (d) Proximity to residential use:
3.44	(i) - predominantly residential in character The application premises in the former Arts Theatre are located in the City Centre but outside the Retail Core, which contains the City's prime shopping streets. The premises are situated above ground-floor retail and commercial units. A mix of uses is found in this area including shops, restaurants, offices and licensed premises. This location can therefore be viewed as a 'mixed use' area and not one that is predominantly residential in character. Residential use is mainly found in the streets leading off Botanic Avenue.
3.45	(ii) – non-residential property that is immediately adjacent to residential property The nearest residential property to the application premises is a first floor flat at 34 Botanic Avenue. It is located approximately 19m across from the application site on the opposite side of the road and is not immediately adjacent to it. (e) Proximity to schools, youth centres, and residential institutions for vulnerable people:

3.46	There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.
	Conclusion
3.47	On balance, the application premises broadly satisfy the criteria for assessing the suitability of a location for an amusement arcade as laid down in Belfast City Council's Amusement Permit Policy.
3.48	In addition to the above legal requirements and assessment criteria Members may take into account any matter which is deemed relevant. Members may also depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.
3.49	A copy of the Council's Amusement Permit Policy is attached for your information and reference as Appendix 7.
	<u>Financial & Resource Implications</u>
3.50	There are no financial or resource implications associated with this report.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.51	There are no equality or good relations issues associated with this report.
4.0	Appendices – Documents Attached
	• Appendix 1 – Location map • Appendix 2 – Minute of the meeting on 6 October 2014 • Appendix 3 – Letter to PSNI of 21 December 2018 and response comments • Appendix 4 – Copy of the planning permission • Appendix 5 – References • Appendix 6 – Map of nearby premises and existing amusement arcades • Appendix 7 – Copy of the Council's Amusement Permit Policy

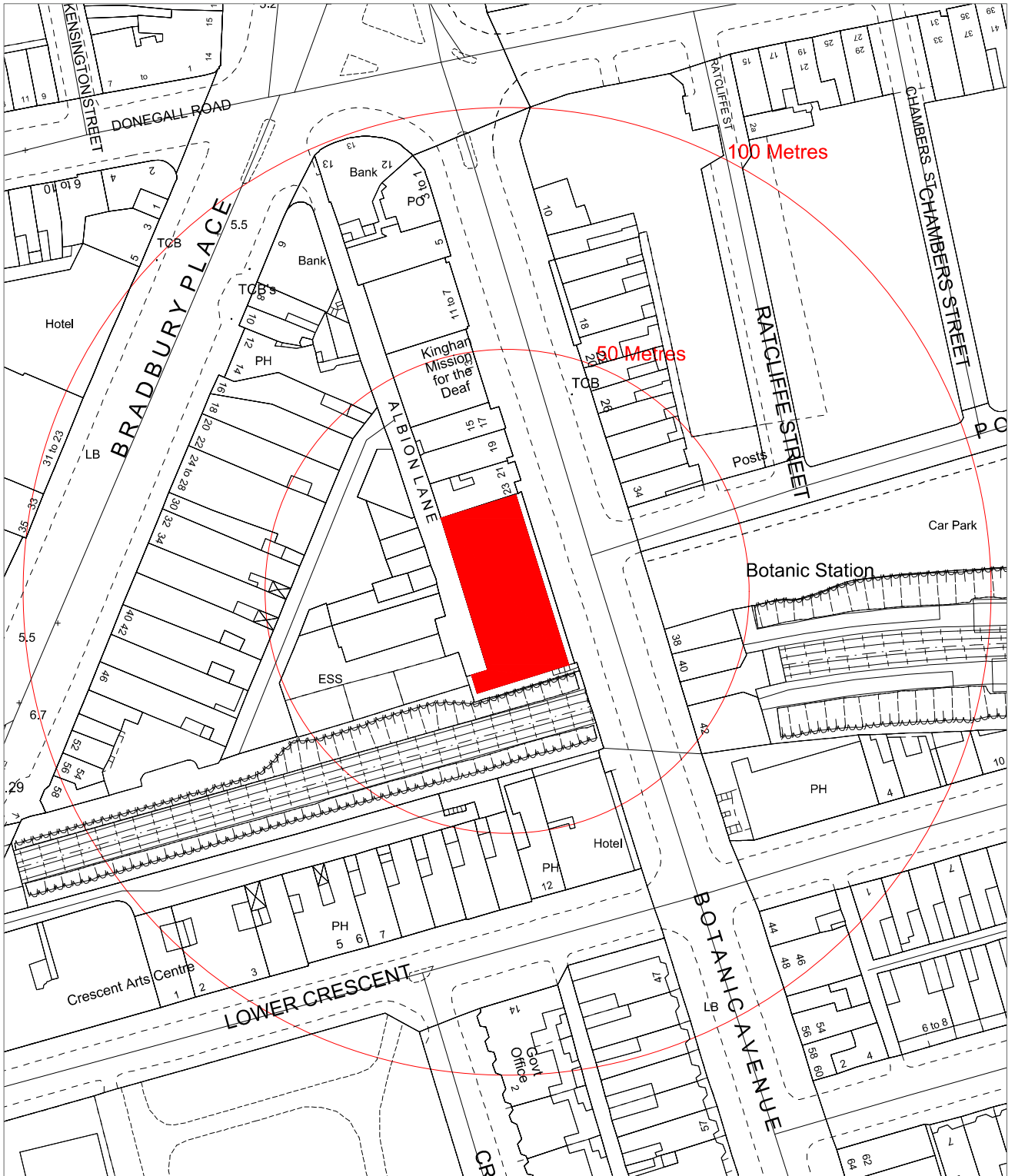


Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive.
© CROWN COPYRIGHT 2003



100 METRES
50
25
0



This page is intentionally left blank

Licensing Committee

Monday, 6th October, 2014

SPECIAL MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
Aldermen McCoubrey, Rodgers and Stalford.
Councillors Attwood, M. E. Campbell, Clarke,
Hussey, Hutchinson, McCarthy, Mullan and Reynolds.

In attendance: Mrs. S. Toland, Lead Operations Officer/
Head of Environmental Health;
Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for were reported on behalf of Aldermen R. Patterson and Webb and Councillors Cunningham, Groves and Ó Donnghaile.

Declarations of Interest

No declarations of interest were reported.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEM IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON 1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 46

Application for the Grant of an Amusement Permit – Onassis Amusements, 25-41 Botanic Avenue

The Committee was advised that an application had been received from Hazeldene Enterprises Limited for the grant of an Amusement Permit in respect of the above-mentioned premises. The Council's Solicitor reported that written representation had been received on behalf of Oasis Retail Services Limited, which operated a number of amusement arcades across the City. She confirmed that the objector's legal representative had requested that the matter be deferred by the Committee until such time as a pending Judicial Review of its decision to grant an Amusement Permit for another premises had been determined and documentation which had been submitted by the applicant in the lead up to this meeting had been evaluated.

She suggested that the Committee might, at this stage, wish to hear from the representatives of the objector and the applicant regarding the request for the deferral. The Committee endorsed that course of action and Mr. L. McCollum Q.C., Ms. K. Mairs, Solicitor, together with Mr. M. Trimble of Oasis Retail Services Limited, were admitted to the meeting.

Mr. McCollum reported that there was a Leave Application pending regarding a Judicial Review of the Committee's decision of 19th March to grant an Amusement Permit for a premises in Bradbury Place. The Judicial Review would seek to challenge the criteria governing the Council's Amusement Permit Policy and the way in which it had been applied by the Licensing Committee in determining that application. He pointed out that, if successful, the Council would be required to revisit its Policy, which could potentially have a material impact upon the determination of the application for the premises in Botanic Avenue. Therefore, he requested that the Committee defer the matter until the Judicial Review had been concluded.

He referred also to surveillance reports which had been submitted by the applicant's legal representatives beyond the date stipulated by the Building Control Service. He pointed out that the fitness of his client was not material to this application. However, should the Committee feel that the reports were material, his client had the right to defend himself and, therefore, additional time would be required to enable the information to be reviewed in full and any allegations addressed. He advised the Committee that none of the criticisms made against his client could be justified.

The representatives were thanked by the Chairman and they retired from the meeting.

Mr. J. Burns, the applicant, together with Mr. S. Beattie Q.C. and Mrs. C. Colton, his legal representatives, and Mr. I. Foster, Planning Consultant, were admitted to the meeting and advised of the points which had been raised by the objector's legal representative in seeking the deferral of the application.

Mr. Beattie highlighted the length of time which had elapsed between the granting of the Amusement Permit for the premises in Bradbury Place and the submission of the Leave Application. He made the point that, should the Leave Application be granted, it would be a considerable length of time before the Judicial Review and any potential appeal would be concluded. The prospect for delay was, therefore, significant and that would have a detrimental impact upon his client's business. In terms of the content of the late submission, he accepted that the fitness of the objector was not of relevance to this application, however, it had been provided to highlight wider issues around the equity of the situation and the enforcement of the Betting, Gaming, Lotteries and Amusements Order (Northern Ireland) 1985 generally.

The deputation then retired from the meeting.

After discussion, the Committee agreed not to accede to the request to defer consideration of the application, on the grounds that it did not attach any weight to the content of the late submissions which had been made on behalf of the applicant and, since it would take some time for the Judicial Review and any potential subsequent appeal to be concluded, it could prejudice the applicant's commercial interests.

The Committee then proceeded to consider the following report relating to the application for the grant of the Amusement Permit:

"1 Relevant Background Information

- 1.1 Members are reminded that, at your meeting on 18th June, you agreed that a special meeting be held to consider the following application for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985:

Premises and Location	Ref. No.	Applicant
Onassis Amusements 2nd Floor 25-41 Botanic Avenue Belfast, BT7 1JG	WK/2014/0632	Hazeldene Enterprises Ltd.

- 1.2 The directors of Hazeldene Enterprises Limited are Mr John Gerard Burns and Ms Kelly Mary Burns.

- 1.3 The application is for a total of 227 gaming machines of which all 227 machines are to pay out a maximum all cash prize of £25.00. In the case of premises that have machines with a maximum cash prize of £25.00 admission is restricted to persons aged 18.

- 1.4 The proposed opening hours of the premises, as specified on the application, are:

Monday to Sunday: 8.00 a m to 5.00 a m the following morning

- 1.5 However, the applicant has confirmed that the hours below, as granted by their Planning Permission, should have been specified on the application form:

Monday to Saturday:	9.00 a m to 11.30 p m
Sunday:	12.00 p m to 11.30 p m

- 1.6 The proposed amusement arcade is to be located in a three storey terraced building on the main Botanic Avenue, formally known as the Belfast Civic Arts Centre. The area of the premises intended to be licensed to provide amusement by means of gaming machines is the second floor.

- 1.7 The entrance to the premises is from the main Botanic Avenue and via a staircase to the second floor.

- 1.8 A Building Regulations application for the refurbishment of a theatre to a bingo hall was submitted to the Service on 30th June 2010 and the works were completed on 2nd September 2010 to the satisfaction of the Service.
- 1.9 A further Building Regulations application was received on 16th June, 2014 for the fit out of the second floor of the premises for an amusement arcade and the works have commenced on site.
- 1.10 A location map has been circulated to the Committee.

2 Key Issues

- 2.1 Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant of Amusement Permits.

Objections

- 2.2 As a result of the public notices of application, the Building Control Service has received one objection to the application.
- 2.3 A summary of the objection is as follows:
- the suitability of the applicant - the objector has concerns with regards to the applicants ability to run the property having due regard to the legal requirements pursuant to the Betting, Gaming, Lotteries and Amusements (NI) Order 1985.
 - there is a significant number of premises/businesses with the benefit of amusement permits in the locality of the applicant's premises and, as a consequence, there is no need for an additional business of this nature and in this regard we are mindful of the criteria outlined in the Belfast City Council Amusement Permit Policy which was adopted by the council on 1st May 2013.
- 2.4 A copy of the letter of objection has been circulated to the Committee.
- 2.5 Upon receipt of the objection, clarification was sought regarding the objector's concern over the suitability of the applicant. In response, the objector states that they have lodged their objection on the following points:

1. A Pending Judicial Review
2. Bingo Club Application
3. Fitness of Applicant
4. Police Objection
5. Locality and Suitability of the Premises and Compliance with Belfast City Council Amusement Permit Policy
6. History of the Location

- 2.6 The details of their objection points are summarised as follows:

Judicial Review

- 2.7 The objector points out that there is a Leave Application in respect of a Judicial Review pending before the High Court of Justice in Northern Ireland which challenges the decision of the Council to Grant an Amusement Permit for Mavericks at 28 Shaftesbury Square. The leave application has been adjourned until 25th November, 2014.
- 2.8 The objector argues that the decision of the High Court in relation to this Judicial Review will have a material impact in terms of any decision to be reached by Belfast City Council Licensing Committee regarding this application. The objector, therefore, suggests that the application should be adjourned to allow the Leave Application and any Judicial Review to be determined prior to making a decision on this application for Botanic Bingo.
- 2.9 The Council will contest the Leave Application, on the grounds that the application does not meet the required standard of an arguable case and that the application was not made promptly or within the period permitted. Furthermore, if the objector wished the Council to desist from processing applications it believed might be affected by the outcome of a judicial review, it could have, and still could, apply to the Court for an order to prevent this. However it is likely that the objector would need to give an undertaking in damages in respect of any losses incurred by the applicant if the judicial review were unsuccessful.
- 2.10 In addition, Members should note that this application was lodged on 17th April 2014 and brought before the Committee in 18th June to obtain permission to set a special hearing. As this is a grant application, the business is not currently operating and any undue delay in determining the application will potentially prejudice the applicant's interests and may lead to the Council being challenged.

Bingo Club Application

- 2.11 The objector states that an application for the grant of a Bingo Club Licence for the first floor of the premises was refused on 20th September, 2013 by District Judge Kelly. They contest that the first floor was proposed to hold over 80 gaming stations and that the second floor to which this application relates, could then provide for over another 300 machines.
- 2.12 The objector also states that the applicant lodged an Appeal against the decision on 27th September 2013 and, whilst they have not progressed the Appeal, they clearly intend to provide both Bingo and Gaming from the premises. The objector also highlights that, should both applications be successful, it would be impossible to police both areas due to the first and second floor having a shared entrance.

2.13 RESTRICTED CONTENT

(by virtue of Paragraphs 1 and 2 of the Council's policy on the publication of Committee reports)

2.14 RESTRICTED CONTENT

(by virtue of Paragraphs 1 and 2 of the Council's policy on the publication of Committee reports)

Police Objection

- 2.15 The objector has included the PSNI correspondence for the Bingo Club Licence, which offered no objection. However, they nonetheless state that the PSNI continued to object in terms of the opening hours and number of gaming machines to be provided on the premise in connection with the second application which was refused by District Judge Kelly on 27th September 2013.

Locality and Suitability of the Premises and Compliance with Belfast City Council Amusement Permit Policy

- 2.16 The objector provides a report by Michael Burroughs Associates, which challenges the decision of the Council to grant an Amusement Permit for Mavericks, 28 Bradbury Place and that the decision to proceed with this application is neither reasonable nor proportionate and manifestly fails to provide their client with the right to a fair hearing.

History of the Location

- 2.17 The objector has also highlighted that the premises, 25-41 Botanic Avenue have been the subject of a number of previous applications and have included a breakdown of the applications and associated correspondences with their submission.
- 2.18 In total, the objector's submission consists of the following:
- Floor Plans of the premise.
 - Observations report from Securway (NI) Limited
 - Case Officers Planning Report regarding the application for 22-23 Shaftesbury Square
 - PSNI representation regarding the Bingo Club Licence
 - Michael Burroughs Report
 - Decision of the County Court of 16th June 2003
 - Letters received by the Planning Service from community organisations regarding the Planning Application for the change of use from a theatre to an Amusement Arcade.
- 2.19 A copy of the objector's submission has been circulated to the Committee.
- 2.20 The objector and their legal representative will be in attendance to appear before and be heard by the Committee.

Applicant

- 2.21 The applicant has been informed of the objection and has been provided with a copy of the written representation. The applicant has also received a copy of the additional submission from the objector in support of their objection.
- 2.22 Both the applicant and objector were informed that their respective submissions would be shared in advance of your meeting.
- 2.23 The applicant has indicated that they have engaged Counsel and will not be submitting additional documentation in advance of your meeting.
- 2.24 A copy of the applicant's correspondence confirming this has been circulated to the Committee.
- 2.25 The applicant and their representatives have also confirmed that they will be in attendance to appear before and be heard by the Committee.

PSNI

- 2.26 Members should note that whilst the objector has indicated that the PSNI 'had continued to object in terms of the opening hours and number of gaming machines to be provided on the premises in connection with the second application' that the PSNI has offered no objection to this application. In addition, they have provided the following information:
1. They are not aware of any criminal convictions for the applicant. Mr Burns, a director for the company, has received two offences which indicate fines and two further entries located have an absolute discharge. All are over 20 years old.
 2. They are not in possession of complaints regarding the applicant to which statements have been recorded.
 3. Police have not been called to any incidents at 25-41 Botanic Avenue in regards to this applicant.
 4. They are not aware of an amusement permit application being made by the applicant for premises elsewhere before.
- 2.27 A copy of the PSNI correspondence has been circulated to the Committee.

Health, Safety, Welfare and Technical Requirements

- 2.28 The applicant has submitted a Building Regulations application for alterations required to the premises. Members should note that, if you are minded to grant the application, it must be upon condition that all works required to comply with the Amusement Permit technical requirements are completed to the satisfaction of the Service.

Planning Matters

- 2.29 An application was made to the Planning Service on 24th October 2013 for a change of use (second floor only) to an Amusement Arcade. The application was subsequently granted approval on 25th March 2014.
- 2.30 The applicant has confirmed that they would adhere to the hours of 9.00 am to 11.30 pm Monday to Saturday and 12.00 pm to 11.30 pm on Sundays, as granted by their Planning Permission.

- 2.31 As part of the planning consultation process, Officers of the Environmental Protection Unit (EPU) and Building Control Service commented on the planning application.
- 2.32 EPU recommended that certain informatives be attached should planning permission be granted. Members are advised that enforcement action cannot be taken should the applicant not comply with them.
- 2.33 A copy of the planning approval has been circulated to the Committee.
- 2.34 Members may recall that in an important Court of Appeal decision in June 1999 it was confirmed that the Council, in determining applications for amusement permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
- 2.35 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.

Amusement Permit Policy

- 2.36 Members will be aware that an Amusement Permit Policy was ratified at Council on the 1st May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.

The key Policy objectives are to:-

1. Promote the retail vibrancy and regeneration of Belfast;
2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;
3. Support and safeguard residential communities in Belfast;
4. Protect children and vulnerable persons from being harmed or exploited by gambling;
5. Respect the need to prevent gambling from being a source of crime and disorder.

- 2.37 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.

(a) Retail vibrancy and regeneration of Belfast:

- 2.38 The application premises are located outside the Retail Core of Belfast City Centre but within the limit of the City Centre, as defined in the Belfast Metropolitan Area Plan 2015 (BMAP). It is bordered on one side by the railway line and it is located above ground floor level. It therefore does not break up a continuous shopping frontage.

Complies with this criterion.

(b) Cumulative build-up of amusement arcades in a particular location:

- 2.39 There are no other amusement arcades on this commercial frontage.

Complies with this criterion.

(c) Impact on the image and profile of Belfast:

- 2.40 While the Arts Theatre once performed an important role in hosting plays and various acts in Northern Ireland it has remained vacant for some years now. The building is not listed and it has lawful development consent for use as a bingo hall and the incorporation of a slot machine area. Taking these considerations on board, the application premises are not considered a tourism asset. The site is also not considered as being a Gateway location into Belfast.

Complies with this criterion.

(d) Proximity to residential use:

(i) - predominantly residential in character

- 2.41 The application premises are located above ground floor level, along the commercial frontage of Botanic Avenue, where there are a mix of uses including restaurants, offices and retail units. There are residential buildings in the area on streets leading off Botanic Avenue.

The application premises are located in the City Centre but outside the Retail Core, and can therefore be viewed as a 'mixed use' area and not one that is predominantly residential in character.

(ii) – non-residential property that is immediately adjacent to residential property

- 2.42 The nearest residential properties to the application premises are flats at 34 Botanic Avenue, which are approximately 19m from the application site on the opposite side of the road. These residential properties are facing the application premises, but are not immediately adjacent to it.
Complies with this criterion.

(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:

- 2.43 There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.
Complies with this criterion.

Conclusion

- 2.44 The application premise complies with all assessment criteria for the suitability of the location as laid down in Belfast City Council's Amusement Permit Policy.
- 2.45 In addition to the above legal requirements and assessment criteria, Members may take into account any matter which is deemed relevant. Members may also depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.

3 Resource Implications

Financial

- 3.1 None

Human Resources

- 3.2 None

Asset and Other Implications

- 3.3 None

4 Equality and Good Relations Considerations

- 4.1 There are no equality or good relations issues.

5 Recommendations

5.1 The current policy, dictated by the governing Order is that the Committee, in considering the application, shall have regard to:

- a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing,**
- b) The fitness of any other person by whom the business to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,**
- c) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and**
- d) Representation, if any, as a result of the public notices of advertisement.**

5.2 In addition, the Committee may also decide upon the suitability of the location for the proposed amusement arcade having regard to the five criteria set out in the Amusement Permit Policy, as ratified at council on the 1st May 2013, and discussed in paragraphs 2.38 to 2.47.

5.3 You are then required to make a decision based on the following options set out under the Order.

5.4 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.**

5.5 Thereafter:

- 1. You may refuse the application after hearing any representations from third parties, or**
- 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**

5.6 In the case of premises which have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that:

- no persons under 18 are admitted to the premises; and**
- at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition.**

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.

5.7 Should you be of a mind to refuse the application or grant the Permit subject to any discretionary conditions, you are required to advise the applicant of your intention to do so.

5.8 In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.

5.9 If, subsequent to hearing the applicant, you refuse the application or decide to grant the application subject to discretionary grounds, the applicant may appeal that decision to the County Court"

Mr. McCollum Q.C., Ms. Mairs and Mr. Trimble were again admitted to the meeting.

Mr. McCollum referred to the documentation which had been submitted on behalf of Oasis Retail Services Limited in response to the application, which focused firstly upon the issue of proliferation, which was the subject of the Judicial Review. He made the point that it was clear that the Committee had already decided to proceed with the application, despite the Judicial Review proceedings. His client's other objection concerned the fitness of the applicant to hold an Amusement Permit. He advised the Committee that the objections had been set out in full in writing and that he did not propose to repeat them.

The deputation thanked the Committee for receiving them and they left the meeting.

The Committee was advised that Dr. T. Quinn, Braniff Associates, who had assisted the Council in the development of its Amusement Permit Policy, was in

attendance in order to address any issues arising from the application and he was welcomed to the meeting.

Dr. Quinn reminded the Members that the Council's Amusement Permit Policy had been drafted in order to provide clarity around the process for dealing with Amusement Permit applications. He provided a brief overview of the Policy and confirmed that, in his view, the application complied with the five assessment criteria regarding the suitability of the location, in terms of, for example, the premises being situated within the greater City Centre area, as defined within the Belfast Metropolitan Area Plan, not being a listed building or at a gateway location to the City and being situated at least two hundred metres from residential properties, schools and youth centres.

Mr. Beattie Q.C., together with Mrs. Colton and Mr. Foster, were again admitted to the meeting.

Mr. Beattie referred to the results of a credit check, which had been requested by the Building Control Service, which had revealed the presence of an outstanding debt against his client. He explained that Hazeldene Enterprises Limited, the applicant company, had not as yet commenced trading and that the debt was, in fact, an inter-company loan and did not involve any third party suppliers. His client had arrangements in place with two banks and, should the Committee be minded to grant the application, his client would, in advance of the arcade opening, submit references from them, together with information on the aforementioned loan, to the Council's Legal Services Section. He informed the Committee that Mr. Burns operated premises in a number of other council areas in Northern Ireland and that he had never been prosecuted for non-adherence to the legislation governing gaming. In terms of the refusal of the application for a Bingo Club Licence on the first floor of the premises in Botanic Avenue, he stressed that the ruling had related to the issue of locality and that the Court had made no finding regarding the fitness of his client. He pointed out that the report which had been obtained by the objector had not been produced until this Committee meeting was due to take place, despite the fact that there had been an intervening renewal application in respect of other premises.

Mr. Beattie explained that Mr. Foster had been working with officers of the Council and the Planning Service on matters relating to the premises. He confirmed that the bingo club and the amusement arcade would be accessed through separate foyers and that closed-circuit television would be in operation. Copies of the recordings could be made available to the Council, if requested. He added that expressions of interest had been sought from within the local area in relation to the recruitment of between twenty and twenty-five people to work in the arcade.

In response to a number of questions from the Members, Mr. Beattie confirmed that the amusement arcade would, if licensed, operate from 9.00 a.m. till 11.30 p.m. from Monday to Saturday and from 12.00 noon till 11.30 p. m. on a Sunday. In terms of any reduction in the number of gaming machines, he pointed out that the allocation of 227 machines had been based upon the available floor space and that it would be unlikely that all of the machines would be in use at any one time. He added that, whilst the Police Service of Northern Ireland had objected to the number of gaming machines stipulated

within the application for the Bingo Club Licence, it had offered no objection in relation to that proposed within the amusement arcade. In relation to the delay in appealing the refusal of the Bingo Club Licence, Mr. Beattie explained that the appellant was seeking to have the matter considered at one sitting, rather than over a number of separate sittings, which had created difficulty in terms of identifying a suitable date. He stressed that, should that appeal fail, it would not impact upon his client's plans for the amusement arcade.

The Chairman thanked the deputation and they retired from the meeting.

During discussion, several Members voiced concern that, despite being invited by the Building Control Service to attend the meeting in order to provide details around any convictions or breaches relating to the applicant and being contacted on a number of occasions subsequently, the Police Service of Northern Ireland had failed to attend the meeting.

The Head of Building Control reminded the Committee that, at a recent meeting, it had agreed that a senior representative of the Police Service of Northern Ireland be invited to attend a future meeting in order to discuss issues around representations made by the Police Service in relation to licensing applications and confirmed that the matter was being progressed.

He drew the Committee's attention to the point which had been made by Mr. Beattie Q.C. regarding the enforcement of the Betting, Gaming, Lotteries and Amusements Order (Northern Ireland) Order 1985. He explained that, unlike other legislation relating to, for example, entertainments licensing and street trading, which were both administered and enforced by the Building Control Service, responsibility for enforcing the aforementioned Order rested with the Police Service of Northern Ireland. He added that there were limitations within the Order which created difficulties for the Police Service in that regard and suggested, in light of the increased powers being delegated to the Council as part of the Review of Public Administration, that it would be an opportune time to raise the matter with the Department of Justice.

After further discussion, it was

Moved by Councillor Attwood,
Seconded by Councillor Mullan,

That the Committee agrees, in its capacity as Licensing Authority, to grant an Amusement Permit in respect of Onassis Amusements, 25-41 Botanic Avenue, subject to the information to be submitted by the applicant to the Council's Legal Services Section confirming his financial standing, as outlined at the meeting by Mr. S. Beattie Q.C., and to the applicant adhering to the following conditions:

- (i) the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character;

- (ii) no persons under the age of 18 are admitted to the premises; and
- (iii) at any entrance to, and inside the premises, there are prominently displayed notices indicating that access is prohibited to persons under the age of 18.

On a vote by show of hands nine Members voted for the proposal and three against and it was declared carried.

The Committee noted that, in accordance with the undertaking which had been provided at the meeting, the premises would operate from 9.00 a.m. till 11.30 p.m. from Monday to Saturday and from 12.00 noon till 11.30 p. m. on a Sunday.

The Committee granted approval for officers of the Building Control Service to raise with the Department of Justice the issue which had been highlighted in relation to the enforcement of the Betting, Gaming, Lotteries and Amusements Order (Northern Ireland) Order 1985.

Chairman

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Subject:	Final decision on competing Stationary Street Trading Licence applications for Fountain Street site.
Date:	13 November, 2019
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext. 3375

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☐

No

☒

1.0	Purpose of Report or Summary of main Issues
1.1	Members are reminded that, at your meeting of 14 August 2019, you considered separate Street Trading Licence applications from Mr Sean Donnelly, Mr Francis Brown and Mr Michael Kerr for the designated site on Fountain Street 20ft from the junction with Wellington Place.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Mr Donnelly a Stationary Street Trading Licence permitting him to sell tour tickets and tour memorabilia on Monday to Sunday from 9.00 am to 5.00 pm on a one-year trial basis.
1.3	The result of that decision means that the single Designated Street Trading Site is taken and as such there is no suitable location for the other applicants and also there are now sufficient

1.4	traders trading in the street, in the articles, things or services in which the successful applicant wanted to trade. A copy of the minutes from that meeting and a transcript of the audio is attached to this report as Appendix 1.
2.0	Recommendations
2.1	Members must agree either to: 1. Uphold the initial decision of the 14 August 2019 and grant the licence to Mr Donnelly for a period of 1 year and refuse the other applications, or 2. Amend its decision of 14 August 2019.
2.2	If Members amend their decision of 14 August 2019 it should give the grounds for so doing and a date for a special meeting must be arranged to hear from the applicants again before making the final decision.
2.3	On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide. Committee had agreed in August 2019 that the Licence would only be granted on a 1-year trial basis.
3.0	Main report
	<u>Key Issues</u>
3.1	As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr Donnelly, the Committee agreed that it was minded to refuse the applications which had been submitted by Mr Brown and Mr Kerr.
3.2	That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which they wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which they wished to trade.
3.3	Mr Brown and Mr Kerr have submitted written appeals against your decision. Some of the contents of Mr Kerr's appeal letter have been redacted upon the advice of Legal Services as the comments may be construed to be defamatory.
3.4	Mr Brown's Appeal (attached as Appendix 2) Mr Brown believes that Mr Donnelly's application should have been refused for the same reasons as his application was refused.
3.5	Mr Kerr's Appeal (attached as Appendix 3). Mr Kerr believes his presentation was the best and makes a number of points and allegations as part of his appeal submission, namely: 1. Mr Kerr states that he submitted an email to the Council on 11 August 2019 advising that he was willing to sell all tours and that he was willing to pay his year's Licence fee up front. He believes that email should have been circulated to Members along with the letter that he had submitted and was read out by the Committee Clerk at your meeting. Mr Kerr

	believes that since Members did not ask him questions, it hindered his application as he had assumed you had his email. 2. Mr Donnelly had mislead the Committee because he stated that the only outlet for the 'City Tours Belfast' bus tour tickets he intends selling is Visit Belfast. Mr Kerr has provided evidence that SS Moore sports shop and the Post Office in Howard Street both sell 'City Tours Belfast' tour tickets. 3. The reason why there is controversy over the sale of bus tour tickets is because the other two applicants will only sell bus tour tickets for single companies. Whilst he will sell for all companies and that he would offer the best experience to tourists. 4. Due to Mr Kerr's experience working in the industry for over 10 years he knows that 'City Sightseeing' do not own any stalls. 5. He questions why Members asked Mr Donnelly questions and not him or Mr Brown? 6. He asks why give the Licence to Mr Donnelly on the basis of his mix of commodities over him? 7. He also believes that Committee were not impartial towards him as they believed he would be the same as his brother, Joseph Kerr, who Committee considered a report to revoke his Street Trading Licence during the same meeting.
3.6	Committee are advised that Officers had discussed his email of 11 August with Mr Kerr. This email was sent 3 days before your meeting and after the report was published. Mr Kerr was advised that, as part of his presentation to Committee, he should take the opportunity to reiterate to Members the points in his email.
3.7	Mr Sean Donnelly, the applicant to whom you are minded to grant the Street Trading Licence, has no convictions. As part of the application process, applicants are required to provide a Criminal Record Check.
3.8	Officers have checked with Companies House, Mr Donnelly is the sole director of Diamond Leisure Transport Ltd. the company who owns 'City Tours Belfast'.
3.9	Committee will be well aware of the issues around the bus companies and the sale of tickets from a number of previous meetings of the Licensing Committee.
3.10	Committee may wish to note that Officers have checked through inspection reports for this site where Mr Michael Kerr was employed by his brother to work the stall. On the 10th September 2014, a trailer unit was found on site branded in City Sightseeing livery. Michael Kerr had been working this site up to this point for his brother (Joseph Kerr) the then Licensee.
3.11	When the Licensee was questioned about the trailer he advised Officers that he had not given permission for this to be placed on his site. Michael Kerr then stopped working at the site around this date.
	<u>Financial & Resource Implications</u>
3.12	If the Committee grants a licence, the Street Trading Licence fee is as follows: • Application Fee of £150, and • A Licence fee, for Monday to Sunday, of £1250 per annum

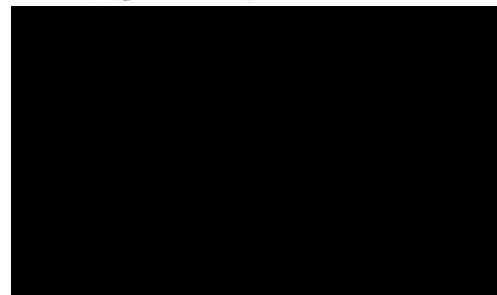
3.13	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no issues associated with this report.
4.0	Appendices – Documents Attached
	• Appendix 1 – Minutes and transcript of the audio from Committee meeting of 14 August 2019. • Appendix 2 – Mr Brown’s letter of appeal • Appendix 3 - Mr Kerr’s letter of appeal

Document is Restricted

This page is intentionally left blank

BELFAST CITY COUNCIL

FRANCIS BROWN



To whom it may concern,

9. 09. 2019.

I wish to appeal the decision of the Council Licensing Committee made on the 14th August 2019 regarding the Stationary Street Trading Licence for the designated site in Fountain Street. I had applied to sell "tour tickets and memorabilia" yet my application was refused under Section 9(i) "the location at which the applicant wishes to trade as a stationary trader is unsuitable" and 9(iv) the grounds that;
"The location at which you wished to trade was unsuitable and that there were sufficient traders trading there in the articles, things or services in which you wished to trade"
However the license was then granted to Mr S Donnelly for the sale of tour tickets and memorabilia".
Section 9(i) and 9(iv) should therefore have excluded the successful application for the very same reasons
I would ask that the decision be reviewed under section 12(2) of the Street Trading Act.

Yours Faithfully

FRANCIS BROWN
Francis Brown



This page is intentionally left blank

Appeal letter



Dear licensing committee,

Kindly accept this as my appeal against the decision you made to deny me a stationary street trading pitch on fountain street and to grant it to Mr Donnelly on Wednesday 14th August 2019. First of all i would like to start of by saying that i sent an email to Neil Melville on the 11th August to give to the committee which outlined who i was willing to sell tours for which was all and every tour and the fact i would pay the first years fees up front which i realised after my presentation you did not receive this email i have enclosed a copy of this email now for you to have a look as i believe it was a big part of the presentation and to show you how much of a fare and level playing field i was offering because i want to be a one stop shop for tours as stated in the email.

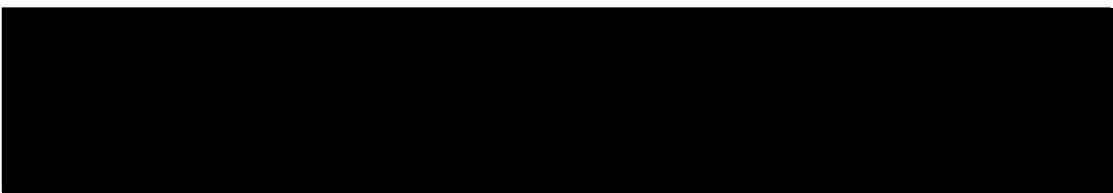
Mr Donnelly stated in the audio that is quite tough for them as a business as there only outlet is visit Belfast that sell their tickets. I can assure you that upon investigation and knowing ticket sellers in the town i knew this was not there only outlet as SS Moore athletic shop sell titanic and city tour tickets and the post office in Howard street so i was able to walk in and buy tickets for their tour in these 2 outlets so i have supplied evidence i.e the ticket sold to me and the pictures of the advertising they have outside those outlets stating they sell their tickets. So not only do they have these two outlets they have the visitors centre and their bus stop and god knows how many other places they have. These places are in short walking distance from the pitch you minded to grant them so they have ample places in that area to sell their tickets. Many other hotels stated that their concierge would be able to get customers tickets for this company if they asked for them.

[REDACTED]
[REDACTED] before young Sean Donnelly got the directorship in his name, his father Sean Donnelly was the director, who assaulted a member of street staff and got convicted of it, i enclosed the headline from BBC news incase you where not familiar with this.

Billy Hutchinson then asked Mr Donnelly that the committee had a concern that if people are only selling one ticket they are giving them some sort of monopoly over everybody else so he wanted to know what tickets Mr Donnelly would sell and if he would sell them for other tour operators. Mr Donnelly stated that other outlets in the city are not selling their tickets that they would be selling their own ticket and only their own. If that was a concern why give the pitch to a company only willing to sell their own ticket.

Someone stated there is quite a bit of controversy going on in the city centre over bus tour tickets so the committee would only grant the sale of bus tour tickets for one year the reason there is controversy is because the sale of bus tour tickets is not a fair process. People only want to sell one ticket and that causes problems. Mr Donnelly wants to sell his own tickets and Mr Brown only wants to sell city sightseeing tickets. I on the other hand wanted to create a level playing field where i wanted to sell all tickets so the person buying the ticket would not feel pressurised into buying a certain ticket i would be an independent ticket sales agent that has no connection with any company that only wants the best experience given to the tourists who come to see our beautiful city.

Mr Brown stated that city sightseeing tours don't own any stall in the city centre correcting Mr Donnelly because he said they do. Due to me working in this industry the past 10+ years i know for a fact city sightseeing don't own any stalls, they have street traders selling there tickets but that's it,



I felt my presentation was the most fair. I know committee don't have to ask questions but why did John Hussey ask Mr Donnelly questions and not Mr Brown or myself. What i would like to know is how can you give a pitch to someone on the basis of their mix of products when Mr Donnelly and myself are selling the same variety of products only i am selling more because tours is only half of my business, tours is Mr Donnelly's full business just to make clear souvenirs especially i would be selling caps, T.Shirts, mugs, fridge magnets things to do with Belfast and northern Ireland as a whole. The likes of game of thrones, titanic, harland and wolff, giants causeway pictures of iconic buildings i.e Belfast city hall, crumlin road gael and the peace walls and postcards and stuff like that. So not only do i cater for the tourists and tourism, i feel it is also very important to cater for our own people of Belfast and northern Ireland because without them you couldn't survive that's why i would also be selling halloween, Christmas, st patricks day, mothers day, fathers day, easter, valentine's day, 12th july, gay pride and the christmas lights switch on plus seasonal stock. That's why i don't cater for one type of person in life i cater for everyone, as much as the tourists bring a lot of business to the city we also have to remember our local people keeping us going throughout the year. My stock line and the tours go hand in hand with seasonal tour offers.

John Hussey stated that one of his pros for picking Mr Donnelly is because their tours where not being sold at other stalls but you have to ask yourself why are they not being sold ?? (Due to the information i give you earlier in the letter being a big factor) he also stated that it is different from other stalls due to what Mr Donnelly would be selling. But i am selling all tour tickets including Mr Donnelly's tour tickets but on a bigger scale, but one thing i wouldn't accept is any violence or nonsense around my stall that's why i would be keen to put a code of conduct in place for the tour operators that they abide by certain rules.

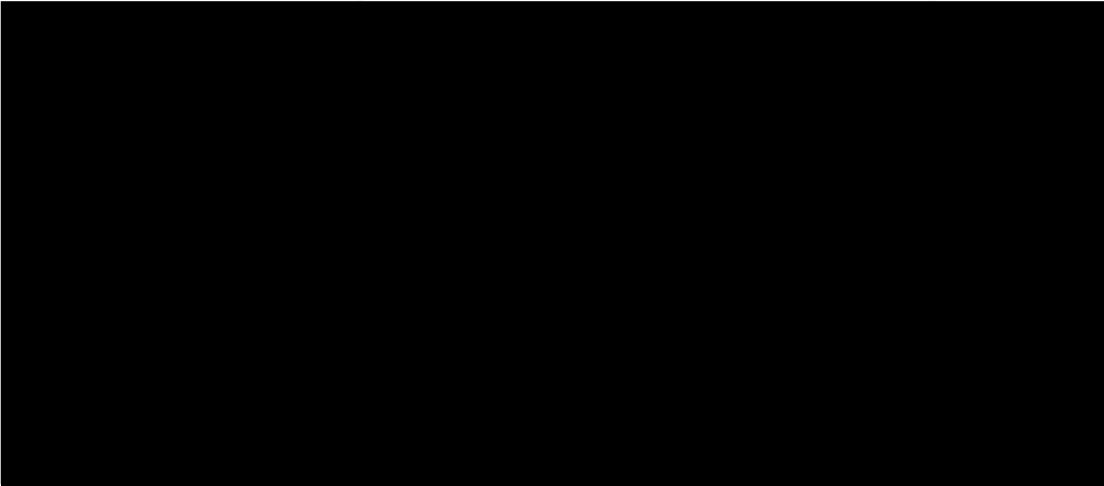
Someone in the committee then wants to know what applicant one would be selling that applicant two and three aren't. So they brought Geraldine in who had made a list of all three. She stated that Mr Donnelly would be selling the game of thrones tours memorabilia giants causeway t shirts hats seasonal offers Halloween Christmas that sort of thing walking tours and guided tours. She then stated they would be open to selling other tours which is incorrect as Mr Donnelly made clear he would only be selling his own tours, Geraldine then states that she thinks and takes it in the back of her own head that that's like opera tickets and that sort of thing a bit like London. Never did Mr Donnelly and Mr Rogan state that and that's Geraldine's own thinking of it and putting words in other peoples mouths. Everything she said they sell different to applicant two and three i actually proposed to sell all the same and a lot more. Then there was a concern about HBO that Mr Donnelly did not clarify he had authorised memorabilia.

When i left that night after the decision being made i felt that number one. The decision was already made for Mr Donnelly to get this pitch as you can see on an email i sent the night of the 14th august to Neil Melville i provided this to show you.

Number 2. I felt the committee had a bad light on me because of my brother joseph Kerr as when the committee refused me the street trading pitch, the same committee on the same night also revoked josephs other stall. I feel like they are tarring me with the same brush as i am nothing like

my brother and due to his actions has completely ruined my life. I have no relationship with Joseph at all and want to make that clear.

Number 3. I really feel on the committee not asking me questions to elaborate on what I was selling really hindered my application as it was partly my fault as I assumed you received the email I sent to Neil Melville on 11th August which I asked him to pass on to committee, on tours I intended to sell and being a one stop shop for tours.



I want to make this committee very aware they are playing God with my livelihood, Mr Donnelly can continue to work, Mr Brown can continue to work. I can't I am unemployed due to this like I say this is my heritage, I was born into street trading, this is all I know I have no qualifications due to always being at the stall as a youngster but I am fully qualified in street trading and know it like the back of my hand as this qualification isn't taught in a school it is passed down through generation to generation and all I wanted was a fair shot at it and don't feel like I did get a fair shot that is why this appeal letter is going above and beyond with all the evidence I can get to show you, I believe I was the fairest applicant and would be providing a far better service for our city.

Thank you for listening to my appeal and look forward to hearing from you.

Yours sincerely

Michael Kerr

Email sent on

the 11th

August to Neil

Melville

stating what i

was willing to

sell

Fwd: Information



Sent from my iPhone

Begin forwarded message:

From: michael kerr [REDACTED]
Date: 11 August 2019 at 13:46:51 BST
To: Neil Melville <MelvilleN@BelfastCity.gov.uk>
Subject: Information

Hello Neil I've a few questions can anymore applications be put in for fountain street pitch at this late stage plus I'd also like yourself and the committee know that if the license is issued in my name I'd like to pay the first year in full. Plus I also want committee know that in regards to tours I don't intend in selling just one company I intend on selling all bus tours all walking tours all-black taxi tours all other tours that are available to sell I'll give you examples of all the tours I want to sell because I'd like to be at a point where I'd be a one stop shop for all tours linked with Belfast and Northern Ireland. Some examples

Trout tours ni
Wee toast tours
Belfast city sightseeing
Titanic and city tours
Black taxi tours
Taxi Trax
Cic taxis and tours
Giants causeway
Game of thrones tour
McCombs travel
Travel Ireland
Walking tours
Titanic tours
Ghost tours
Boat tours
Bike tours

These are just a few to mention again I'm interested in selling all and every tour available also find enclosed pictures of two styles of trailers that I could take ideas off both and make it my own with my own brand on it and merchandise and products. I'm fully open to stall design and I'm more than happy to work with Belfast city council on this many thanks Michael kerr

<2367B6F2-11BE-454C-A4AA-5616B8304E2C.jpeg>

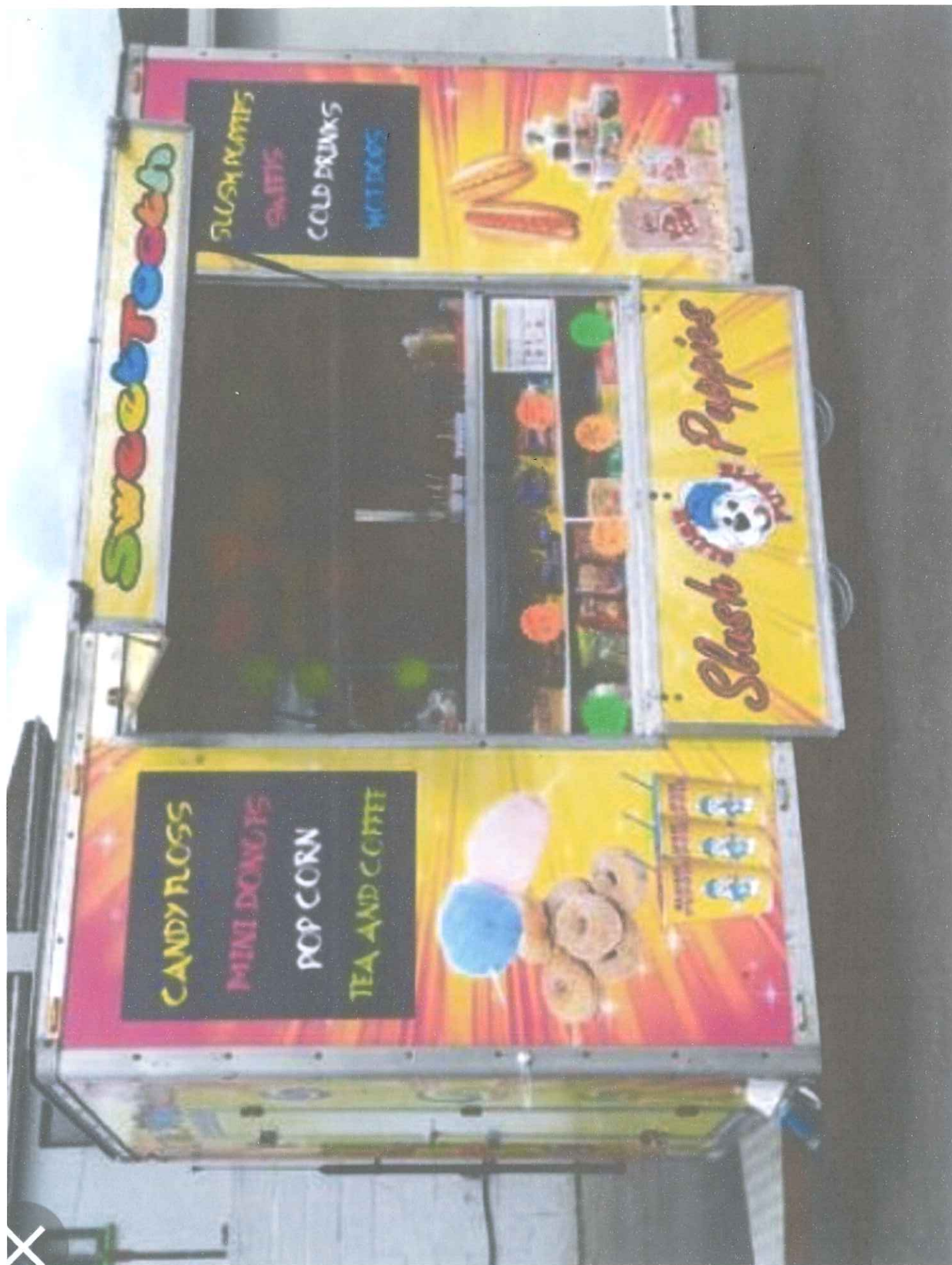
<50F90625-1B1B-4EA1-81FA-F83A09CA165D.jpeg>

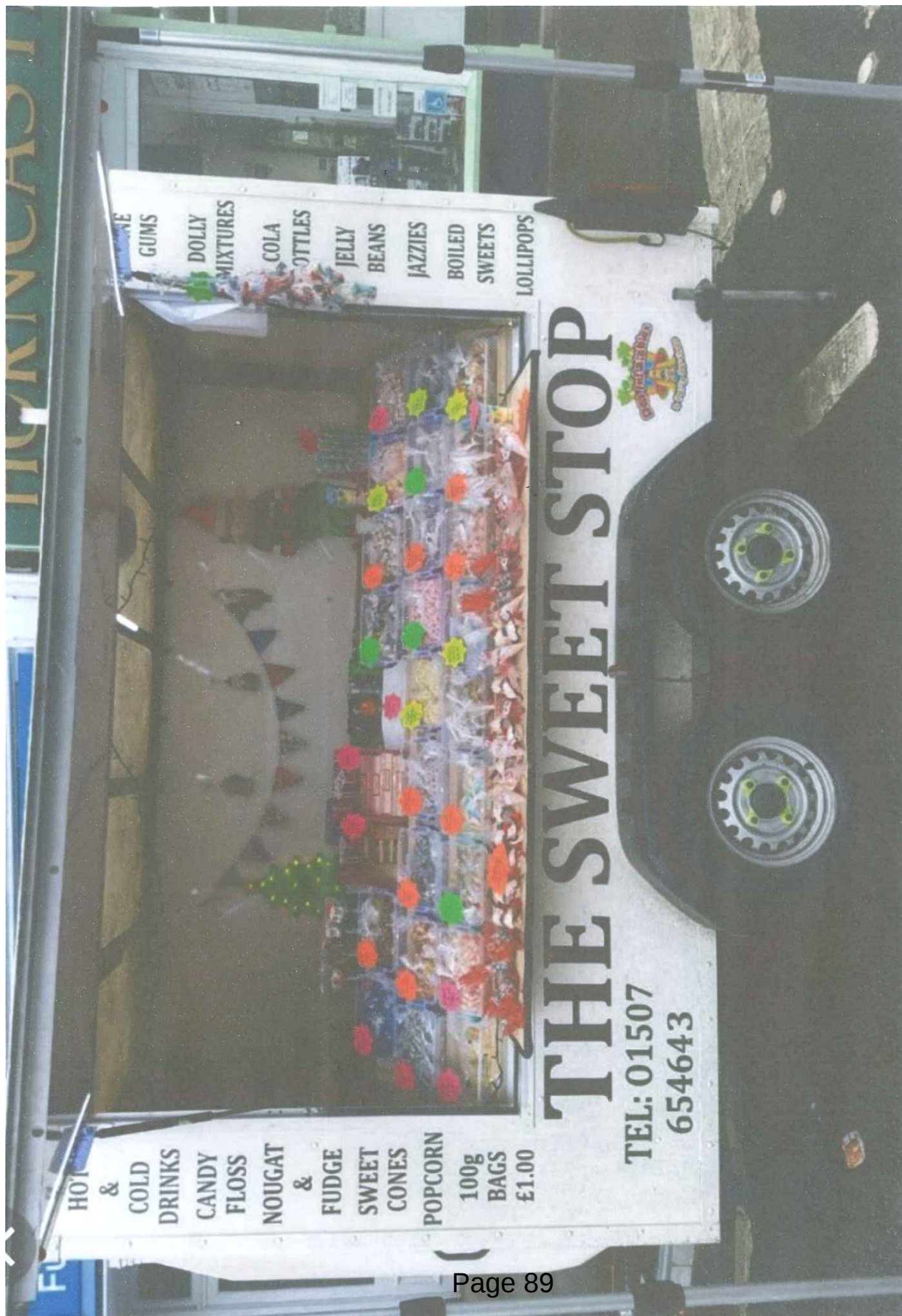
<4262938E-F65F-4552-95DF-FE40384BE720.jpeg>



Mickeys

Tours and Souvenirs





THE SWEET STOP

TEL: 01507
654643

NE
GUMS
DOLLY
MIXTURES
COLA
OTTLES
JELLY
BEANS
JAZZIES
BOILED
SWEETS
LOLLIPOPS

HOT
&
COLD
DRINKS
CANDY
FLOSS
NOUGAT
&
FUDGE
SWEET
CONES
POPCORN
100g
BAGS
£1.00

BBC News
headline
stating Mr
Donnelly snr
having an
assault charge
against him

N. Ireland



Belfast bus tour boss Sean Donnelly convicted of assault on competitor

🕒 8 April 2015



Belfast Magistrates' Court heard the incident happened in Callender Street



Belfast bus tour boss Sean Donnelly convicted of assault on competitor

8 April 2015

Share

Laganside Courts Complex

Image caption

Belfast Magistrates' Court heard the incident happened in Callender Street

A bus tour company boss has been convicted of attacking a rival employee during an alleged row over a code of conduct for operators in Belfast.

Titanic and City Tours managing director Sean Donnelly, 50, had denied a charge of assault occasioning actual bodily harm by punching an employee of Belfast City Sightseeing.

He claimed he was taunted and spat at by staff from a competitor company.

One of Donnelly's workers, James Moore, was also convicted of common assault.

The victim, Kevin Boyle, claimed his nose was broken in the incident on 11 May last year.

Donnelly, of St James' Park in the city, claimed he had been on the streets to try to stop aggravation between the rivals. He told Belfast Magistrates' Court that his firm had signed up to a code of conduct following meetings with City Centre Management and the Department of the Environment.

According to Donnelly's account, Mr Boyle and a colleague approached him and started to taunt him.

"They said 'Stick your code of conduct up your hole,'" the tour boss claimed.

Donnelly alleged that he went to their manager in a bid to get him to intervene, only to suffer further abuse.

'Frustrated'

The court heard claims that Mr Boyle spat in his direction, started to film him on a phone and tried to coax him into striking out.

"I just got frustrated and tried to grab the mobile phone, and I pushed him. That's all I did," he said.

Accepting Mr Boyle "stumbled" to the ground, he denied punching him at any stage.

Donnelly also revealed that he had suffered a minor stroke just days before the incident.

It was claimed that Moore, 30, of Rathvarna Park in Lisburn, County Antrim, punched and kicked Mr Boyle after arriving at the scene on Callender Street.

He disputed the allegations, insisting instead that he only told the victim to lie on the ground until the situation calmed.

"I was making sure there was nothing more going to happen because of Squirt (Donnelly) having taken a stroke," Moore told the court.

"I didn't want anything more happening to him."

Despite both defendants denials, the judge convicted both of the charge against them.

They were released to return for sentencing next month

My email sent
to Neil
Melville on the
night of the
14th August

6 September 2019, 23:14

Fw: Dispute decision



From: michael kerr [REDACTED]
Sent: 14 August 2019 21:22:10
To: Neil Melville <MelvilleN@BelfastCity.gov.uk>
Subject: Dispute decision

I want to find out how I go to appeal the decision made. [REDACTED] Why was Seán Donnelly the only one to be asked questions and myself and the other applicant wasn't also why was my list of people I wanted to sell tours for not give to the committee and the fact I wanted to pay the first year up front. Can you please send me the recordings of the minutes so I can send it to my solicitor.

Tickets i was
able to buy in
ss moore and
howard street
post office/
pictures
included also

Please check ticket detail is correct at time of purchase.

**City
Tours
Belfast**

*Hop on -
Hop off*



+44 028 9032 1912
www.citytoursbelfast.com

Belfast's Original City Sightseeing Tour!

- Tour departs from High street.
- Every 30 minutes from 9.45am.
- Tours are hop-on / hop-off.
- Tour duration approximately 90 minutes.

- ☒ Adult £12.50
☐ Senior / Student £10.50
☐ Family (2 adults /
3 children up to 12 years) £31.00

Date:

11/9/19

Total £

12.50

106981

CITY TOURS BELFAST



Date:

11/9/19

- ☒ Adult £12.50
☐ Senior / Student £10.50
☐ Family (2 adults / 3 children
up to 12 years) £31.00

Total £

12.50

106981

SS MOORE

Sports Specialists

SS Moore Ltd
6-10 Chichester Street
Belfast
BT1 4LA
(028) 9032 2966

CODE	COL	DESCRIPTION	PRICE	SIZE	QTY
OPD	CALENDAR		12.50		1
SUB-TOTAL:			12.50		1
TOTAL:			12.50		

PAID BY Cash 20.00
CHANGE GIVEN 7.50

DATE: 11 September 2019 TIME: 11:25:55
Your assistant today was John

Full Price items may be returned for a refund
within 7 days, or for a credit note or an
exchange up to 28 days after purchase, provided
you have proof of purchase and the item is in
original condition with all packing and labels
attached. Thank you for your business.
Shop online at www.ssmoore-sports.co.uk



Transaction No. 95658

SS MOORE LTD. SPORTS
6-14 CHICHESTER STREET
BELFAST BT1 4LA
Tel: 028 9032 2966
www.ssmsports.co.uk

STONES AND THRONES

OFFICIAL GAME OF THRONES TOUR

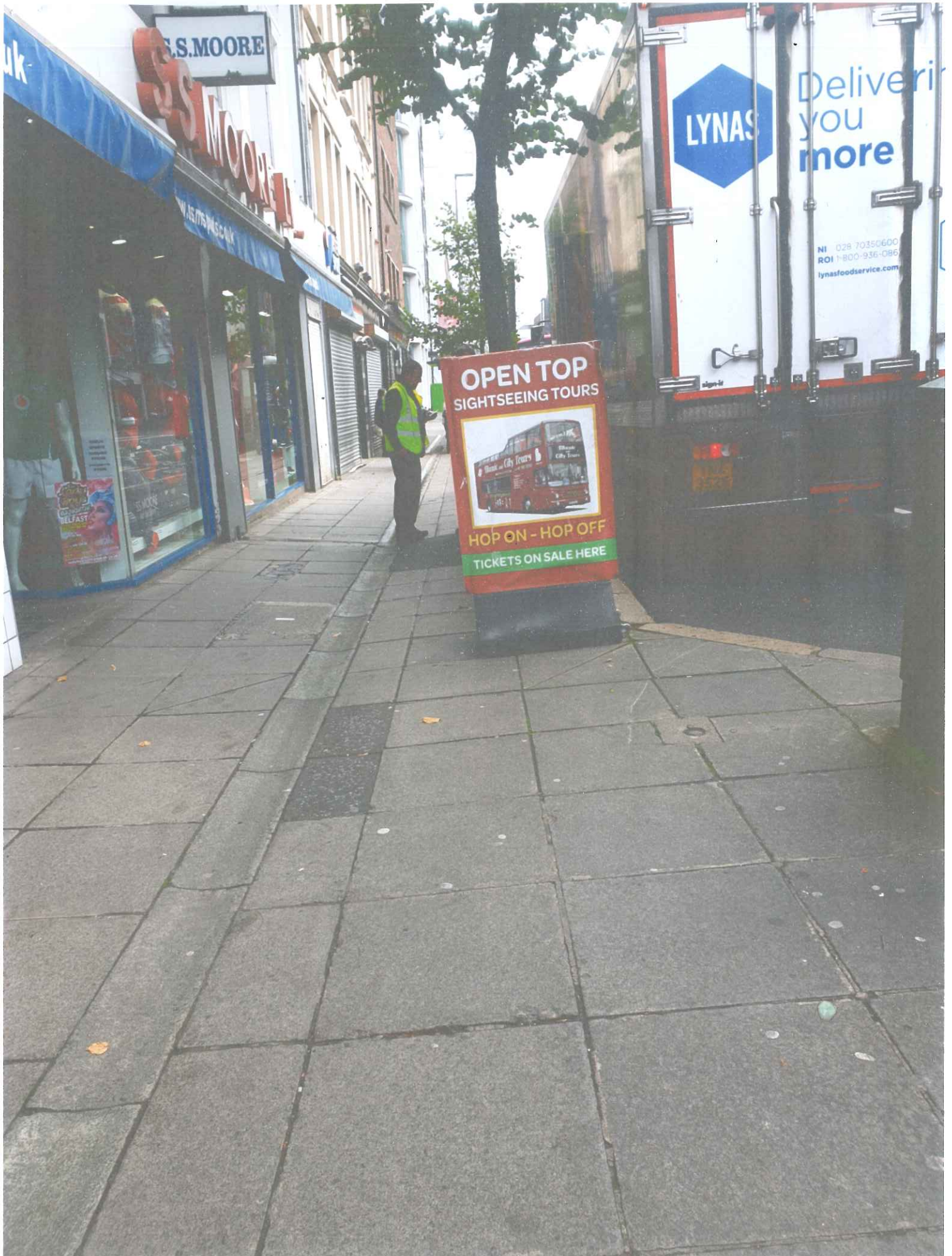
SEE FILMING
LOCATIONS &
GIANTS
CAUSEWAY



www.stonesandthronestour.com

HIT APPLY
PROMO
CODE AT
CHECKOUT

ENTER
TICKET &
SAVE 10%



Please check ticket detail is correct at time of purchase.

**City
Tours
Belfast**

*Hop on -
Hop off*



+44 028 9032 1912
www.citytoursbelfast.com

Belfast's Original City Sightseeing Tour!

- Tour departs from High street .
- Every 30 minutes from 9.45am.
- Tours are hop-on / hop-off.
- Tour duration approximately 90 minutes.

Date:

11/9/19

- | | |
|---|--------|
| ☐ Adult | £12.50 |
| ☒ Senior / Student | £10.50 |
| ☐ Family (2 adults /
3 children up to 12 years) | £31.00 |

Total £

10.00

107397

CITY TOURS BELFAST



Date:

11/9/19

- | | |
|---|--------|
| ☐ Adult | £12.50 |
| ☒ Senior / Student | £10.50 |
| ☐ Family (2 adults / 3 children
up to 12 years) | £31.00 |

Total £

10.00

107397

Howard
Street
Post Office
P.O

STONES AND THRONES

OFFICIAL GAME OF THRONES TOUR

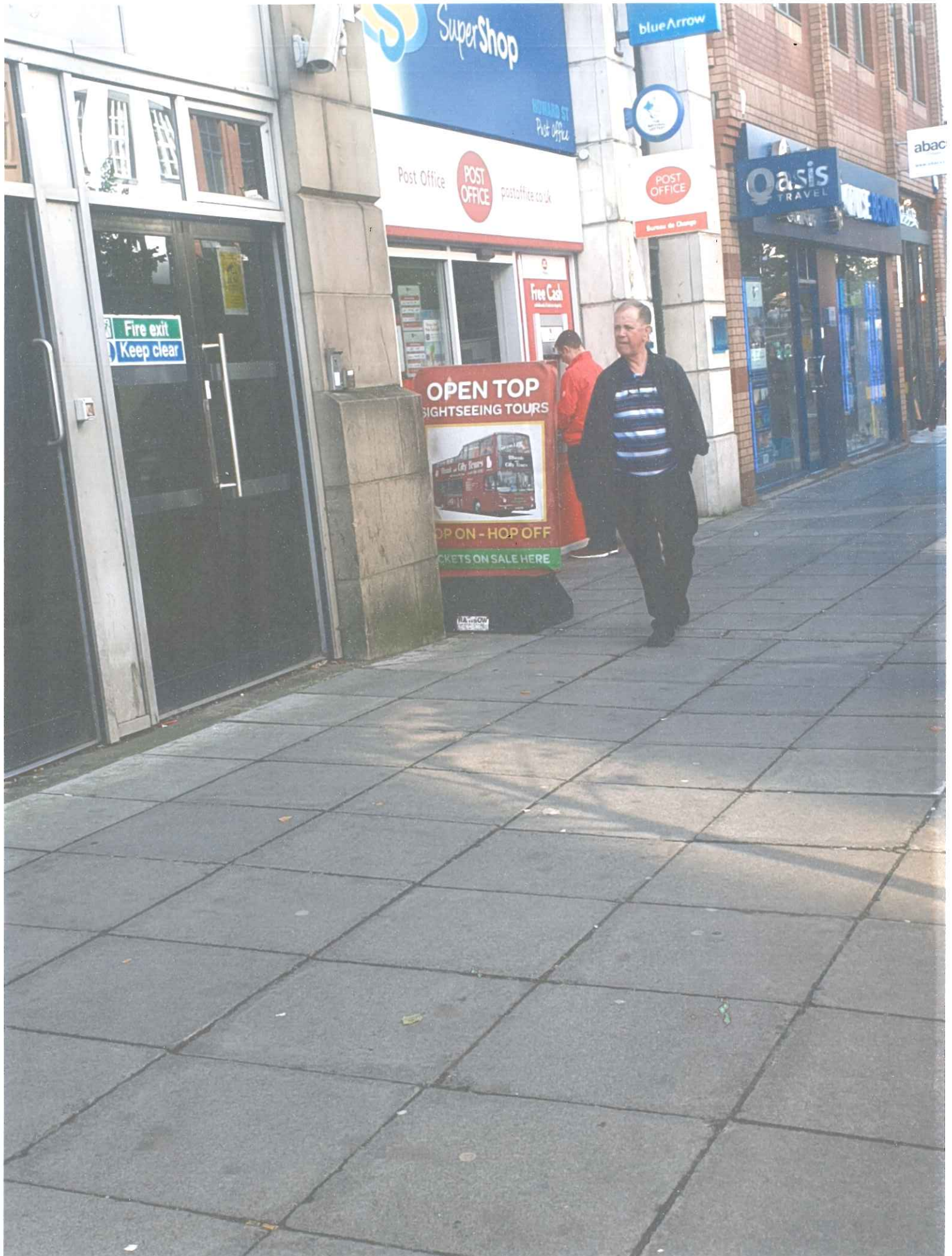
SEE FILMING
LOCATIONS &
GIANTS
CAUSEWAY



www.stonesandthronestour.com

HIT APPLY
PROMO
CODE AT
CHECKOUT

ENTER
TICKET &
SAVE 10%



This page is intentionally left blank



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	13 November 2019
Reporting Officer:	Kevin Bloomfield, NIHMO Manager, ext. 5910
Contact Officer:	Valerie Brown, City Services Manager, tel. 9027 0668 & Kevin Bloomfield, NIHMO Manager, ext. 5910

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Some time in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☐ No ☒

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of City & Neighbourhood Services Department is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0Main report

3.1

Key Issues

Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 & The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019 the following HMO Licences were issued since your last meeting.

Applicant	Type of Application	HMO Location
Mr Stephen Cassidy	Commencement and Transitional Provisions	26 Magdala Street, Belfast, BT7 1PU
Mr Don Martin Campbell	Commencement and Transitional Provisions	Flat 1, 165 University Street, Belfast, BT7 1HR
Mr Martin Carlin	Commencement and Transitional Provisions	35 Agincourt Avenue, Belfast, BT7 1QA
Ms Anne Kerr	Commencement and Transitional Provisions	14 Carmel Street, Belfast, BT7 1QE
Mr Brendan Nugent	Commencement and Transitional Provisions	30 Eia Street, Belfast, BT14 6BT
Mrs Patricia O'Rourke	Commencement and Transitional Provisions	5 Westminster Street, Belfast, BT7 1LA
Miss Caitlin McMahon	Commencement and Transitional Provisions	64 Ashley Avenue, Belfast, BT9 7BU

3.2

Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued since your last meeting.

Applicant	Type of Application	HMO Location
Mr Kieran Boyle	Renewal	9 South Parade, Belfast, BT7 2GL
Mr Philip Hooks	Renewal	112 Dunluce Avenue, Belfast, BT9 7AZ
Mr Hugh Curran	Renewal	10 St Ives Gardens, Belfast, BT9 5DN
Mr. Thomas McLaughlin	Renewal	28 St Albans Gardens, Belfast, BT9 5DR
Mr Plunkett Rafferty	Renewal	56 Jerusalem Street, Belfast, BT7 1QP
Mrs Geraldine Kieran	Renewal	56 Sandymount Street, Belfast, BT9 5DQ
Mr Stephen Morgan	Renewal	40 University Street, Belfast, BT7 1FZ
Mr Sean Lambon	Renewal	11 Sandymount Street, Belfast, BT9 5DP
Mrs Margaret Morgan	Renewal	39 Sandymount Street, Belfast, BT9 5DP
Mr S��amas McAleenan	Renewal	45 Palestine Street, Belfast, BT7 1QJ
Mr Peter Bohill	Renewal	29 Cairo Street, Belfast, BT7 1QS
Mr Robert Greer	Renewal	Flat 3, 24 India Street, Belfast, BT7 1LJ
Mr James Trevor Rourke	Renewal	3 Wellington Park Avenue, Belfast, BT9 6DT
Mr Patrick McConville	Renewal	Flat 1, 12 India St, Belfast, BT7 1LJ
Mr Robert Greer	Renewal	Flat 2, 24 India Street, Belfast, BT7 1LJ
Mr Patrick McConville	Renewal	FLAT 3, 12 India Street, Belfast, BT7 1LJ
Mr Robert Greer	Renewal	Flat 1, 24 India Street, Belfast, BT7 1LJ
Mr James Desmond Walmsley	Renewal	1 Ulsterville Gardens, Belfast, BT9 7BA
Mr Aidan Black	Renewal	5 Penrose Street, Belfast, BT7 1QX

	Mrs Rosemary Edgar	Renewal	53 Ulsterville Avenue, Belfast, BT9 7AT		
	Mr Sean Lambon	Renewal	9 Ulsterville Gardens, Belfast, BT9 7BA		
	Ms Cara Macklin	Renewal	16 Wellesley Avenue, Belfast, BT9 6DG		
	Mrs Colette McCaffrey	Renewal	17 Rugby Avenue, Belfast, BT7 1RD		
	Mrs Maria McAllister	Renewal	10 Pakenham Mews, Belfast, BT7 1XA		
	Mr Gareth Macklin	Renewal	Apartment 3, 93 Fitzroy Avenue, Belfast, BT7 1HU		
	Mr Albert Kettle	Renewal	4B Richview Street, Belfast, BT12 6GP		
	Mr Conor Doyle	Renewal	105 Malone Avenue, Belfast, BT9 6EQ		
	Mrs Paula McCann	Renewal	6 Wellington Park Avenue, Belfast, BT9 6DT		
	Mrs Karen Tracey	Renewal	52 Stranmillis Park, Belfast, BT9 5AU		
	Mr Henry Williamson	Renewal	101 Melrose Street, Belfast, BT9 7DP		
	Mr Aidan Thompson	Renewal	19 Carmel Street, Belfast, BT7 1QE		
	Mr Michael Taylor	Renewal	85 Upper Newtownards Road, Belfast, BT4 3HU		
	Mr Sean McCallion	Renewal	35 Rugby Avenue, Malone Lower, BT7 1RD		
	Mr Harry McGrath	Renewal	6 St Ives Gardens, Belfast, BT9 5DN		
	Mr Patrick Quinn	Renewal	33 Palestine Street, Belfast, BT7 1QJ		
	Mr James Cunningham	Renewal	29 St Albans Gardens, Belfast, BT9 5DR		
	Mr Maurice Goldring	Renewal	18 St Ives Gardens, Belfast, BT9 5DN		
	Mr Bernard Joseph McShane	Renewal	42 Brookland Street, Belfast, BT9 7FZ		
	Mr Barry Donnelly	Renewal	27 Agincourt Street, Belfast, BT7 1RB		
	Mr Rory Donnelly	Renewal	55 Rugby Avenue, Malone Lower, BT7 1RD		
	Mr Gerard McAleenan	Renewal	17 Rushfield Avenue, Belfast, BT7 3FP		
	Mrs Monica Yarr	Renewal	98 Malone Avenue, Belfast, BT9 6ES		
	Mr. John Leo Mc Gurk	Renewal	40 St Ives Gardens, Belfast, BT9 5DN		
	Mr. John Leo Mc Gurk	Renewal	67 Rugby Avenue, Malone Lower, BT7 1RE		
	Mr. John Leo Mc Gurk	Renewal	3 St Ives Gardens, Belfast, BT9 5DN		
	Mr Stephen Weatherup	Renewal	114 Stranmillis Road, Belfast, BT9 5AE		
	3.3	<u>Financial & Resource Implications</u>			
		None			
	3.4	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>			
	There are no issues associated with this report.				

This page is intentionally left blank



Subject:	Training for Members of the Licensing Committee
Date:	13 November, 2019
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext 3375

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Some time in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of main Issues
1.1	Members are reminded that the Committee has received training in the following areas to date: • Overview of the different types of regulatory functions for which the Committee is responsible; • Committee protocol and representation process; • Legal principles governing the decision-making process; • Alcohol licensing matters and its relationship to entertainments licensing; • Belfast City Council's Amusement Permit policy
1.2	Training topics were organised in collaboration with Legal Services.

2.0	Recommendations
2.1	Members are asked to consider the functions of the Committee as detailed in this report and determine what, if any, additional training you require.
2.2	If any training is required the Democratic Services Officer will identify suitable dates on which to deliver the training and will notify Members accordingly. Previous sessions have taken place at 5.00pm and Members are asked to confirm if this remains a suitable time for training.
2.3	The Committee may also wish to consider making the training open to all Members of the Council.
3.0	Main report
	<u>Key Issues</u>
3.1	Members are reminded that the Licensing Committee has delegated authority for determining the matters noted below.
3.2	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the Committee will, in relation to Entertainment Licences, consider: • Applications for the grant of Outdoor Entertainments Licences • Applications for the grant, renewal, transfer or variation of licences where objections are received • Suspension and revocation of licences • Applications for a waiver to permit entertainment involving striptease or nudity.
3.3	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the Committee will, in relation to Sex Establishments, consider: • Applications for the grant of licences • Applications for the renewal, transfer or variation of licences • Revocation of licences • Setting of licence fees
3.4	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the Committee will consider: • Applications for the grant of amusement and pleasure permits • Applications for the renewal of amusement permits where adverse representations have been made • Registration of Societies in relation to the running of lotteries.
3.5	Under the terms of the Street Trading Act (Northern Ireland) 2001 the Committee will consider: • Applications for the grant of licences • Applications for the renewal, transfer or variation of licences where objections are received • Revocation of licences • Designation of streets or parts thereof

	• Setting of licence fees
3.6	Under the terms of the Roads (Miscellaneous Provisions) Act 2010 - Road Closures for Special Events the Committee will consider: • Applications for the grant of an Order where objections are received • Setting of licence fees
3.7	Under the terms of the Licensing of Pavement Cafés Act (NI) 2014 the Committee will consider: • Applications for the grant, renewal, transfer or variation of licences where objections are received • Suspension and revocation of licences • Compulsory variation of licences. • Setting of licence fees. • Suspension of licences except where in the public interest the Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.
3.8	Under the terms of The Houses in Multiple Occupation (HMO) Act NI 2016 the Committee will consider: • Applications for the grant, renewal, transfer or variation of licences where objections are received; • Applications where there may be an issue in relation to the fitness of the applicant to hold a licence; • Setting of licence fees; • Revocation of licences, except where in the public interest the Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.
3.9	The Committee is also responsible for: • The administration of the provisions of the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996 relating to entertainments and liquor licensing in licensed premises and registered clubs, and; • Such other licensing matters as the Director of Planning and Place considers appropriate to bring to the attention of the Licensing Committee.
3.10	The Licensing Committee is also responsible for the consideration of all policy and legislation in relation to licensing issues but in this case any recommendations made will be subject to ratification by full Council. <u>Financial and Resource Implications</u>
3.11	The training will be catered for within existing budgets <u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.12	There are no issues associated with this report.

4.0	Appendices – Documents Attached
	None