

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



**Belfast
City Council**

11th April, 2022

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format on Wednesday, 13th April, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

JOHN WALSH

Chief Executive

AGENDA:

1. **Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. **Delegated Matters**

- (a) Licences Issued Under Delegated Authority (Pages 1 - 4)
- (b) Stationary Street Trading Licence application for Dargan Crescent (Pages 5 - 8)
- (c) Application for the Provisional Grant of an Amusement Permit for Hollywood Bowl, Odyssey Pavilion, 2 Queens Quay (Pages 9 - 46)
- (d) Applications for the Provisional Grant of an Outdoor Entertainments Licences for Flaxx @ Linen Quarter (Pages 47 - 56)

- (e) Application for the Provisional Grant of an Outdoor Entertainments Licences for Cargo @ T13, Titanic Quarter (Pages 57 - 64)
- (f) Applications for the Variation of an Outdoor Entertainments Licence for Pug Ugly's, 21 Bedford Street (Pages 65 - 74)
- (g) Licensing and Registration of Clubs (Amendment) Act (NI) 2021 (Pages 75 - 84)
- (h) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 85 - 88)
- (i) Applications for a New Licence to operate a House of Multiple Occupation for 13 Fitzroy Avenue, Belfast. BT7 1HS (Pages 89 - 126)

3. **Non-Delegated Matters**

- (a) Continuation of Reduced Fees for Entertainments Licences (Pages 127 - 132)



Subject:	Licences Issued Under Delegated Authority
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, 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.

3.0	Main report																																																			
	<u>Key Issues</u>																																																			
3.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting. <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Caulfields, 685 Springfield Road, Belfast, BT12 7FP.</td><td>Renewal</td><td>Mr Tony Clarke</td></tr><tr><td>Cock N Hen Bar, 1-3 Lord Street, Belfast, BT5 4QE.</td><td>Renewal</td><td>Linda, Robert & Colin McCreery</td></tr><tr><td>Dukes Hotel, 65-67 University Street, Belfast, BT7 1HL.</td><td>Renewal</td><td>Mr Eamon Diamond, Dukes Belfast LLP</td></tr><tr><td>Flame Restaurant, 46 Howard Street, Belfast, BT1 6PG.</td><td>Renewal</td><td>Ms Sarah-Jane Sinclair, Belfast Hospitality Ltd</td></tr><tr><td>Fountain Lane, 16-20 Fountain Street, Belfast, BT1 5ED.</td><td>Renewal</td><td>Mr Paul Langsford, Clover Pubs NI No.2 Ltd</td></tr><tr><td>Grand Opera House, Great Victoria Street, Belfast, BT2</td><td>Renewal</td><td>Mr Andrew Wiggam, Grand Opera House Trust</td></tr><tr><td>McGraths Bar, 78-82 Cliftonville Road, Belfast, BT14 6JZ.</td><td>Renewal</td><td>Mr Peter McGrath</td></tr><tr><td>Ormeau Park Bowling Pavilion, Ormeau Road, Belfast.</td><td>Renewal</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Ramada By Wyndham, 20 Talbot Street, Belfast, BT1 2LD.</td><td>Renewal</td><td>Mr Marc McCrea, Ducales Asset No1 Ltd</td></tr><tr><td>Ravenhill Bowling Pavilion, Ormeau Road, Belfast, BT7</td><td>Renewal</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Revolucion de Cuba Ltd, 25-39 Arthur Street, Belfast, BT1 4GB.</td><td>Renewal</td><td>Mr Daniel McGee, Revolucion de Cuba Ltd</td></tr><tr><td>Stranmillis College Bar-Scholars, Stranmillis Road, Belfast, BT9 5DY.</td><td>Renewal</td><td>Ms Christine Nesbitt, Stranmillis University College</td></tr><tr><td>Stranmillis College Drama Theatre, Stranmillis Road, Belfast, BT9 5DY.</td><td>Renewal</td><td>Ms Christine Nesbitt, Stranmillis University College</td></tr><tr><td>Ten Square, 10 Donegall Square South, Belfast, BT1 5JD.</td><td>Renewal</td><td>Mr Christopher Kearney, Loughview Leisure Group</td></tr><tr><td>The Marcus Ward, 1 Bankmore Square, Belfast, BT7 1DH.</td><td>Renewal</td><td>Mr Lawrence Bannon, Tobar Inns Ltd</td></tr><tr><td>Tullycarnet Bowling Pavilion, Tullycarnet Park, Belfast , BT5 7GE</td><td>Renewal</td><td>Mr Ryan Black, Belfast City Council</td></tr></table>	Premises and Location	Type of Application	Applicant	Caulfields, 685 Springfield Road, Belfast, BT12 7FP.	Renewal	Mr Tony Clarke	Cock N Hen Bar, 1-3 Lord Street, Belfast, BT5 4QE.	Renewal	Linda, Robert & Colin McCreery	Dukes Hotel, 65-67 University Street, Belfast, BT7 1HL.	Renewal	Mr Eamon Diamond, Dukes Belfast LLP	Flame Restaurant, 46 Howard Street, Belfast, BT1 6PG.	Renewal	Ms Sarah-Jane Sinclair, Belfast Hospitality Ltd	Fountain Lane, 16-20 Fountain Street, Belfast, BT1 5ED.	Renewal	Mr Paul Langsford, Clover Pubs NI No.2 Ltd	Grand Opera House, Great Victoria Street, Belfast, BT2	Renewal	Mr Andrew Wiggam, Grand Opera House Trust	McGraths Bar, 78-82 Cliftonville Road, Belfast, BT14 6JZ.	Renewal	Mr Peter McGrath	Ormeau Park Bowling Pavilion, Ormeau Road, Belfast.	Renewal	Mr Ryan Black, Belfast City Council	Ramada By Wyndham, 20 Talbot Street, Belfast, BT1 2LD.	Renewal	Mr Marc McCrea, Ducales Asset No1 Ltd	Ravenhill Bowling Pavilion, Ormeau Road, Belfast, BT7	Renewal	Mr Ryan Black, Belfast City Council	Revolucion de Cuba Ltd, 25-39 Arthur Street, Belfast, BT1 4GB.	Renewal	Mr Daniel McGee, Revolucion de Cuba Ltd	Stranmillis College Bar-Scholars, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Ms Christine Nesbitt, Stranmillis University College	Stranmillis College Drama Theatre, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Ms Christine Nesbitt, Stranmillis University College	Ten Square, 10 Donegall Square South, Belfast, BT1 5JD.	Renewal	Mr Christopher Kearney, Loughview Leisure Group	The Marcus Ward, 1 Bankmore Square, Belfast, BT7 1DH.	Renewal	Mr Lawrence Bannon, Tobar Inns Ltd	Tullycarnet Bowling Pavilion, Tullycarnet Park, Belfast , BT5 7GE	Renewal	Mr Ryan Black, Belfast City Council
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3.2	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 no Amusement Permits were issued since your last meeting.																																																			
3.3	Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting.																																																			

	Cupar Way, Belfast Monagh Drive, Norglen Parade, Belfast	Filming	17, 18 & 21 March 2022 09:30 to 22:00 16 & 25 March 2022 10:00 to 00:00 25, 28, 29, 30, 31 March 2022 07:00 to 20:00	David Cooke
	Corporation Street, Corporation Square, Donegall Quay, Great Patrick Street, Gamble Street, Belfast	Filming	16 March 2022 11:00 to 00:00	David Cooke
	Linenhall Street, Adelaide Street, Clarence Street, Donegall Square Mews, Franklin Street, James Street South, Belfast	Filming	16 March 2022 19:00 to 00:00	David Cooke
	Limestone Road, Mountcollyer Street, Glencollyer Street, Mileriver Street, Belfast	Filming	21 – 22 March 2022 07:30 to 20:00	David Cooke
	Ballygomartin Road, Ballygomartin Drive, Belfast	Filming	21 – 23 March 2022 07:00 to 21:00	David Cooke
	Middle Braniel Road, Belfast	Filming	23 – 25 March 2022 09:00 to 17:00	David Cooke
3.7	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting.			
	<u>Financial & Resource Implications</u>			
3.8	None			
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>			
3.9	There are no issues associated with this report.			



Subject:	To consider the minded to decision to refuse Stationary Street Trading Licence application for Dargan Crescent – at Musgrave Cash and Carry site.
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, 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	At the Licensing Committee meeting of 19 January 2022, Members considered an application for the grant of a Street Trading Licence from Mr David Reilly to trade at the available designated site in Dargan Crescent at Musgrave Cash and Carry.
1.2	After hearing from Mr Reilly's legal representative, the Committee agreed, that it was minded to refuse to grant Mr Reilly a licence on the discretionary grounds set out in Section 9 (1) (c) of the Street Trading Act (Northern Ireland) 2001. In that the applicant was, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence.
1.3	A copy of the minutes from that meeting is attached to this report as Appendix 1.

2.0	Recommendations
2.1	Based upon the information presented Members must agree either to: 1. Uphold the initial decision of 19 January 2022 and refuse the grant of the Stationary Street Trading Licence, or 2. Rescind your decision of 19 January 2022 and decide not to refuse the grant of the Stationary Street Trading Licence.
2.2	If the Licence is refused, Mr Reilly may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court
3.0	Main report
	<u>Key Issues</u>
3.1	Following your decision in January, Mr Reilly was notified of the outcome and was informed that he would be permitted to make personal and written representation to Committee with such representation to be made within 21 days from the date of notice.
3.2	No representation was received within the 21 days from Mr Reilly.
3.3	Mr Reilly has now verbally informed the Council's Senior Licensing Officer that he (Mr Reilly) does not wish to appeal your decision or make any representation.
	<u>Financial and Resource Implications</u>
3.4	If this Licence is refused it is expected it will be filled within a short time.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.5	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	• Appendix 1 – Minutes of 16 January 2022

Extract of the Licensing Committee Minutes of Wednesday, 19th January, 2022

Application for the Grant of a Stationary Street Trading Licence - Dargan Crescent (at Musgrave Cash and Carry Site)

The Building Control Manager informed the Committee that the Council had received an application from Mr. David Reilly for a Stationary Street Trading Licence to trade at an available designated site in Dargan Crescent, outside the Musgrave Cash and Carry premises. The designation complied with the designating resolution for that site.

Mr. Reilly had applied to sell hot and cold food and non-alcoholic beverages from Monday to Friday, between 8.00 a.m. and 2.30 p.m., from a catering trailer, measuring 25 feet by 7 feet. He had not previously held a Street Trading Licence with the Council and the Police Service of Northern Ireland and the Department for Infrastructure Roads Service had offered no objection to the use of the site.

The Building Control Manager explained that Mr. Reilly had, within the Access NI Basic Disclosure Certificate which he was required to submit as part of the application process, stated that he had been convicted of an offence on 21st June, 2021.

The Divisional Solicitor outlined the nature of the offence, following which the Building Control Manager pointed out that the Street Trading Act (Northern Ireland) 2001 placed a statutory obligation on the Council to approve an application for a Street Trading Licence unless there were sufficient grounds to refuse it. Section 8 of the Act set out circumstances in which an application must be refused, however, there were no such grounds for refusal applicable to this application.

He went on to explain that, under Section 9 (c) of the Street Trading Act (Northern Ireland) 2001, the Council could, however, refuse to grant an application on discretionary grounds if the applicant was, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Licence. The Council's Street Trading Policy, which it was required to follow in making a decision, repeated this discretionary ground and went further by stating that the Council, when determining the suitability of each Street Trading Licence, must take into account the safety of the public and any risks which may arise. The applicant's conviction on 21st June, 2021 would, therefore, be a relevant consideration for the Committee in determining his suitability to hold a Street Trading Licence.

It was reported that Mr. Reilly, the applicant, and Ms. E. Ewing, his legal representative, were in attendance and they were welcomed by the Chairperson. Ms. Ewing explained the circumstances surrounding Mr. Reilly's conviction and pointed out that the Police Service of Northern Ireland had confirmed that there had been no further complaints or issues raised in relation to his behaviour. She concluded by highlighting the fact that this had been an isolated incident and urged the Committee to take this into account when considering her client's application.

After discussion, it was

Moved by Councillor McAteer,

Seconded by Councillor Magee,

That the Committee agrees, given the nature of the conviction, that it is minded to refuse the application on the discretionary grounds set out in Section 9 (1) (c) of the Street Trading Act (Northern Ireland) 2001, in that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence.

On a vote, eleven Members voted for the proposal and two against, with four "no votes", and it was declared carried.

The Committee was advised that, as a consequence of its decision, the applicant would be notified that, under Section 12 (2) (b) of the aforementioned Act, he would be permitted to make representation, in writing, to the Council, with such representation to be made not less than twenty-one days from the date of notice. Should such representation be made, he and/or his representative would, prior to the Committee deciding on the matter, be permitted to address a future meeting



Subject:	Application for the Provisional Grant of an Amusement Permit for Hollywood Bowl, Odyssey Pavilion, 2 Queens Quay
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager (Ext: 2435)
Contact Officer:	Laura Hillis, Principal Building Control Surveyor (Ext: 2469)

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of Main Issues		
1.1	To consider an application for the provisional grant of an Amusement Permit for Hollywood Bowl under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order).		
	Premises and Location Hollywood Bowl Unit 2, Odyssey Pavilion Queens Quay Belfast, BT3 9QQ	Ref. No. WK/2020/02373	Applicant Original Bowling Company (NI) Limited 50 Bedford Street Belfast BT2 7FW
1.2	The Directors of Original Bowling Company (NI) Limited are Stephen Burns and Laurence Brian Keen.		

1.3	The Hollywood Bowl will consist of a 20-lane bowling alley, a licensed American-diner style restaurant and bar area and an amusement zone spread over both ground and first floors, with 12 Amusement With Prizes (AWP) gaming machines with a maximum all cash prize of £8.00, and 64 amusement machines and 4 pool tables. As there are no AWP gaming machines with a maximum cash prize of £25.00, admission to the premises is therefore not restricted to persons aged 18 or over.
1.4	A location map is attached as Appendix 1.
1.5	Layout plans of the premises is included as Appendix 2.
2.0	<u>Recommendations</u>
2.1	In considering the application for the Grant of an Amusement Permit, the Committee shall have regard to the Order and Belfast City Council's Amusement Permit Policy, as follows: a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, and b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on, c) In considering the fitness of a body corporate to hold an amusement permit, the Council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly d) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and e) Representation, if any, as a result of the public notices of advertisement.
2.2	You are then required to make a decision based on the following options set out under the Order.
2.3	You must refuse the application unless satisfied that: a) The applicant is a fit person to hold an Amusement Permit; and b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.
2.4	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

	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.
2.5	Should you be minded to refuse the application for the Provisional Grant of an Amusement Permit, or grant the Permit, subject to any discretionary conditions, you are required to advise the applicant of your intention to do so and you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.
2.6	If, upon hearing the applicant, you refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant may within 21 days from the date on which notice of the decision is served on him, appeal to the county court.
3.0	Main report
	<u>Key Issues</u> 3.1 Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant of Amusement Permits. 3.2 Members are advised that these premises have held an Amusement Permit since 2002. 3.3 As there is no mechanism within the Order to enable the transfer of a permit from one company to another, an application must therefore be made for the Grant of an Amusement Permit. <u>Provisional grant of an Amusement Permit</u> 3.4 There is scope within the Order to make application for the provisional grant of an amusement permit in respect of premises which are about to be, or are in the course of being, constructed, extended or altered. 3.5 If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the permit, the Council may grant a provisional amusement permit. However, a provisional permit does not authorise the use of gaming machines until the permit is declared final. 3.6 The Order stipulates that the Council, upon application by the permit holder, must declare the permit final when it is satisfied that the premises have been completed in accordance with the plans deposited with the council. 3.7 Should Members be of mind to grant the permit provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service. <u>Application details</u> 3.8 The application is for a total of 12 gaming machines, all of which are to pay out a maximum all cash prize of £8.00. As there are no machines with a maximum cash prize of £25.00 admission is therefore not restricted to persons aged 18 or over.

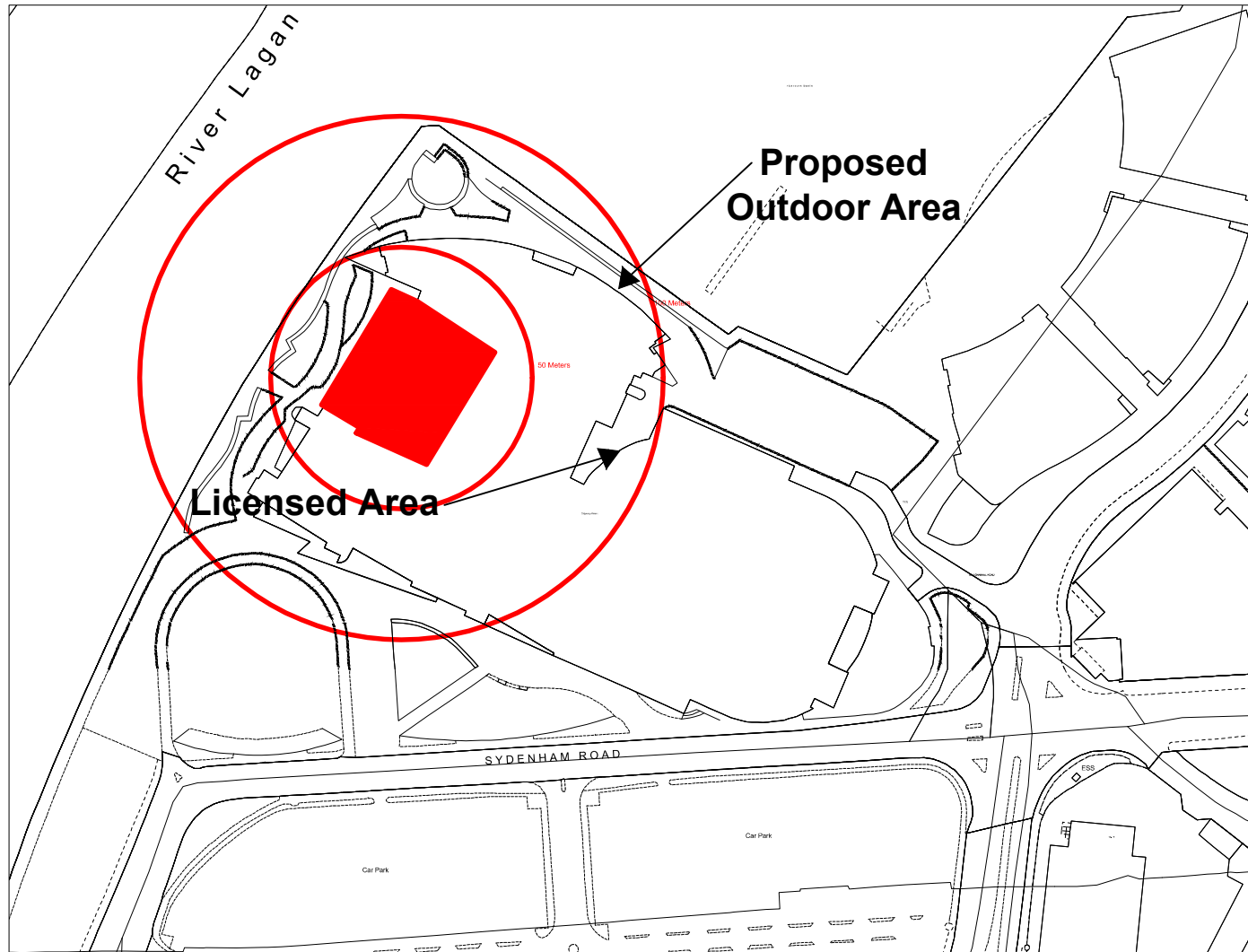
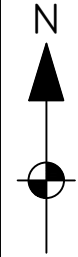
3.9	The proposed opening hours of the premises, as specified on the application, are: <table> <tr> <td>Monday to Saturday</td><td>9.00 am to 1.00 am the following morning and,</td></tr> <tr> <td>Sunday</td><td>9.00 am to 12 midnight</td></tr> </table>	Monday to Saturday	9.00 am to 1.00 am the following morning and,	Sunday	9.00 am to 12 midnight
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Sunday	9.00 am to 12 midnight				
3.10	The premises are located in the Odyssey Pavilion which consists of retail units, a multi-screen cinema, W5, bars and restaurants. <u>Representations</u>				
3.11	Public notice of the application has been placed and no written representation has been received. <u>PSNI</u>				
3.12	The Police Service of Northern Ireland has been consulted and confirmed that they have no objections to the application. A copy of the correspondence is attached as Appendix 3. <u>NIFRS</u>				
3.13	The Northern Ireland Fire and Rescue Service has been consulted and confirmed that they have no objections to the application. <u>Health, Safety, Welfare and Technical requirements</u>				
3.14	A Building Regulations application has been submitted to the Service for alterations to the premises. Members should note that, if you are minded to provisionally grant the application, it will not be declared final until all works are complete and comply with the Building Regulations. <u>Applicant</u>				
3.15	A representative from the Original Bowling Company (NI) Limited will be available to discuss any matters relating to the grant of the permit at your meeting. <u>Planning matters</u>				
3.16	As the premises have been open since 2002, they would have established use rights to operate as an amusement arcade under Planning Legislation. Planning permission was granted on the 3 April 2003.				
3.17	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.				
3.18	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.				
3.19	A copy of the planning permission is attached as Appendix 4.				

	<u>Amusement Permit Policy</u>
3.20	The Belfast City Council Amusement Permit Policy, ratified at Council on 1 May 2013, outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.
3.21	All applications for the grant of an amusement permit are assessed against the Amusement Permit Policy.
3.22	The key objectives of this policy are to:- 1. Promote the retail vibrancy and regeneration of Belfast; 2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. Support and safeguard residential communities in Belfast; 4. Protect children and vulnerable persons from being harmed or exploited by gambling; 5. Respect the need to prevent gambling from being a source of crime and disorder.
3.23	The Policy consists of two components which are considered below: <u>1. Legal requirements under the 1985 Order</u>
3.24	Members must have regard to the legal requirements under the 1985 Order relating to: (a) The character, reputation and financial standing of the applicant:
3.25	References and additional supporting information for those associated with the application are attached as Appendix 6 to the report for consideration. (b) The nature of the premises and activity proposed:
3.26	To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the facade integrates with adjacent frontages. (c) Opinions of the Police:
3.27	The Police comments have been sought and reference is made in paragraph 3.8 of the report and is attached as Appendix 3. (d) Submissions from the general public:
3.28	No objections have been received as a result of the public notices placed in the three local newspapers. <u>2. Assessment criteria for suitability of a location</u>
3.29	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.

	<u>Evaluation of the application site against criteria outlined in the Amusement Permit Policy</u>
3.30	The premises, the Hollywood Bowl, are situated within the Odyssey Pavilion, which is an established mixed use entertainment complex connected to the SSE Arena.
3.31	The Odyssey Pavilion is located within the development limit of Belfast as designated in the Belfast Urban Area Plan 2001 and the succeeding draft Belfast Metropolitan Area Plan 2015 (dBMAP). Under dBMAP it is also located within the City Centre boundary but outside the Retail Core.
3.32	This application seeks to have 12 AWP gaming machines, an increase from 8 provided previously, as well as providing 64 non-gaming amusement machines.
3.33	The Hollywood Bowl has an internal frontage located within the atrium of the Odyssey Pavilion, alongside bars, restaurants, etc. It does not form part of a continuous retail frontage.
3.34	The Amusement Permit Policy seeks to avoid the cumulative build up or clustering of amusement arcades in a particular location in the interest of promoting the retail vibrancy and regeneration of Belfast. With this in mind, these are the only premises with an amusement permit within the Odyssey SSE Arena complex.
3.35	The nearest amusement arcades to it are located approximately one mile away across the River Lagan in the larger part of the City Centre. The closest amusement arcade to it in East Belfast is located several miles away at 32-46 Castlereagh Road. Therefore, it is not considered that this application will contribute to the cumulative build-up of amusement arcades at a given location.
3.36	The Odyssey is not a historic or listed building, nor is it located at one of the 11 Gateway locations identified in draft BMAP. Nonetheless, given the far-reaching appeal of the Odyssey SSE Arena, it could be argued that the complex, as a whole, is a tourism asset within Belfast. However, when considering this matter, appreciable weight needs to be attached to the fact that an amusement arcade has been operating from this complex for almost 20 years. Furthermore, no one has chosen to object to this permit application for a change of ownership.
3.37	The Odyssey is within the Laganside Waterfront/Titanic mixed-use area, with the nearest residential use being the apartment buildings in the adjoining Titanic Quarter. The area is not, therefore, predominantly residential in character, and there is no residential use immediately adjacent to the Hollywood Bowl premises.
3.38	There are no schools, youth centres, or residential institutions for vulnerable people within proximity of the application premises.
	<u>Conclusion</u>
3.38	Viewed in the context of the above, the location of the permit application is not considered to be contrary to the objectives and criteria of the Amusement Permit Policy.
3.39	A copy of the Council's Amusement Permit Policy is attached for your information and reference as Appendix 6.
	<u>Financial and Resource Implications</u>
4.1	Administration of Amusement Permit applications is included in current budgetary estimates.

5.1	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> None.
6.0	Appendices – Documents Attached
	• Appendix 1 – Location Map • Appendix 2 – Layout plan of the premises • Appendix 3 – PSNI Correspondence • Appendix 4 - Copy of the Planning Permission • Appendix 5 – References and additional supporting information • Appendix 6 – Belfast City Council's Amusement Permit Policy

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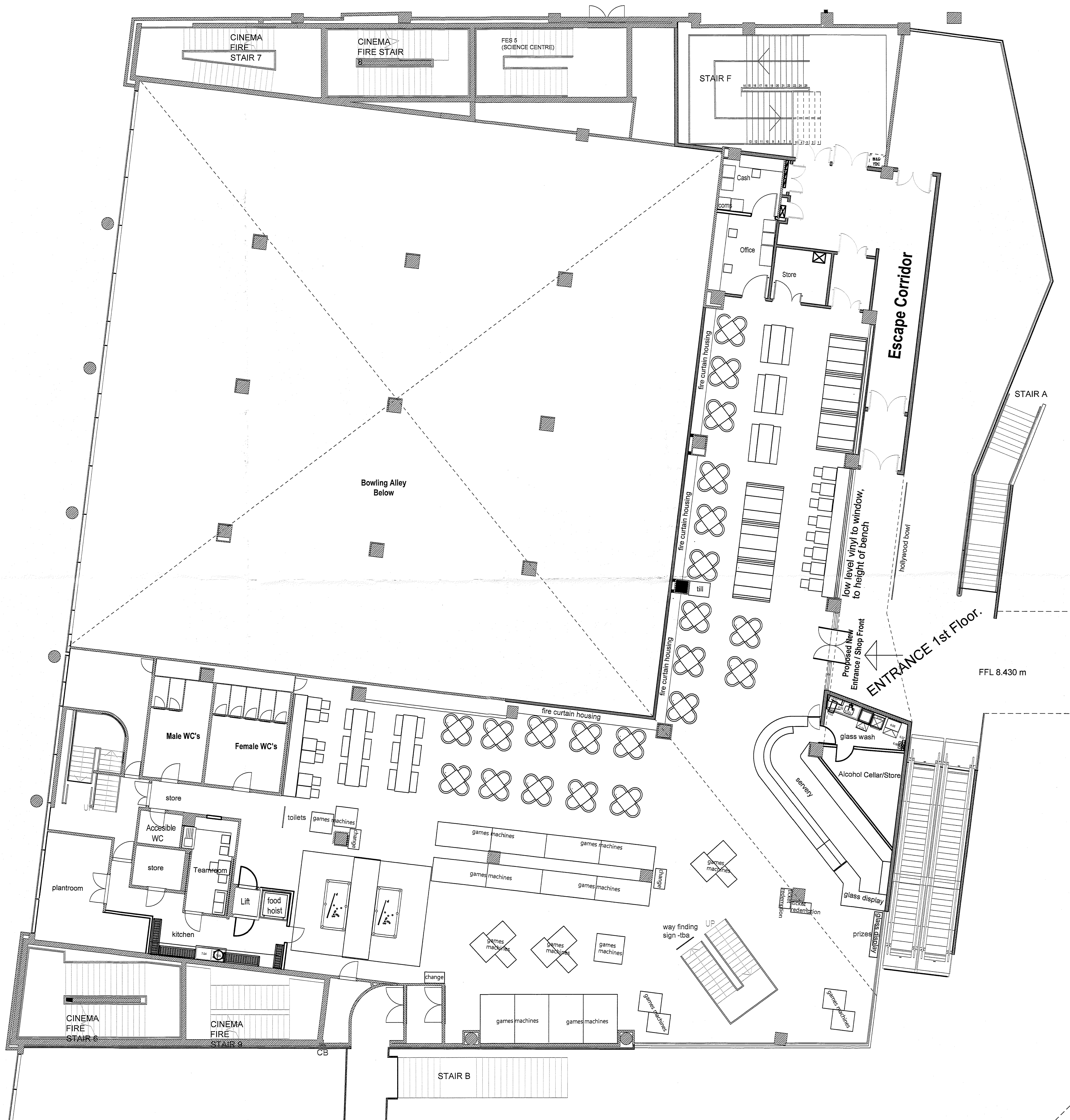


DRAWN BY **M Treacy**
DATE **8/2/2022**

Hollywood Bowl
Odyssey Pavillion, 2 Queens Quay

SCALE **1:2500 @ A4**

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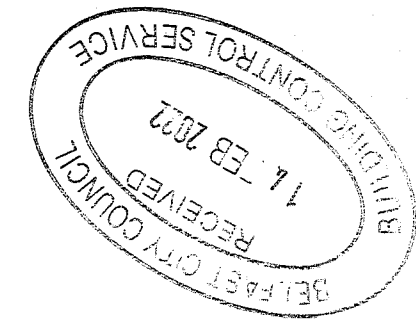
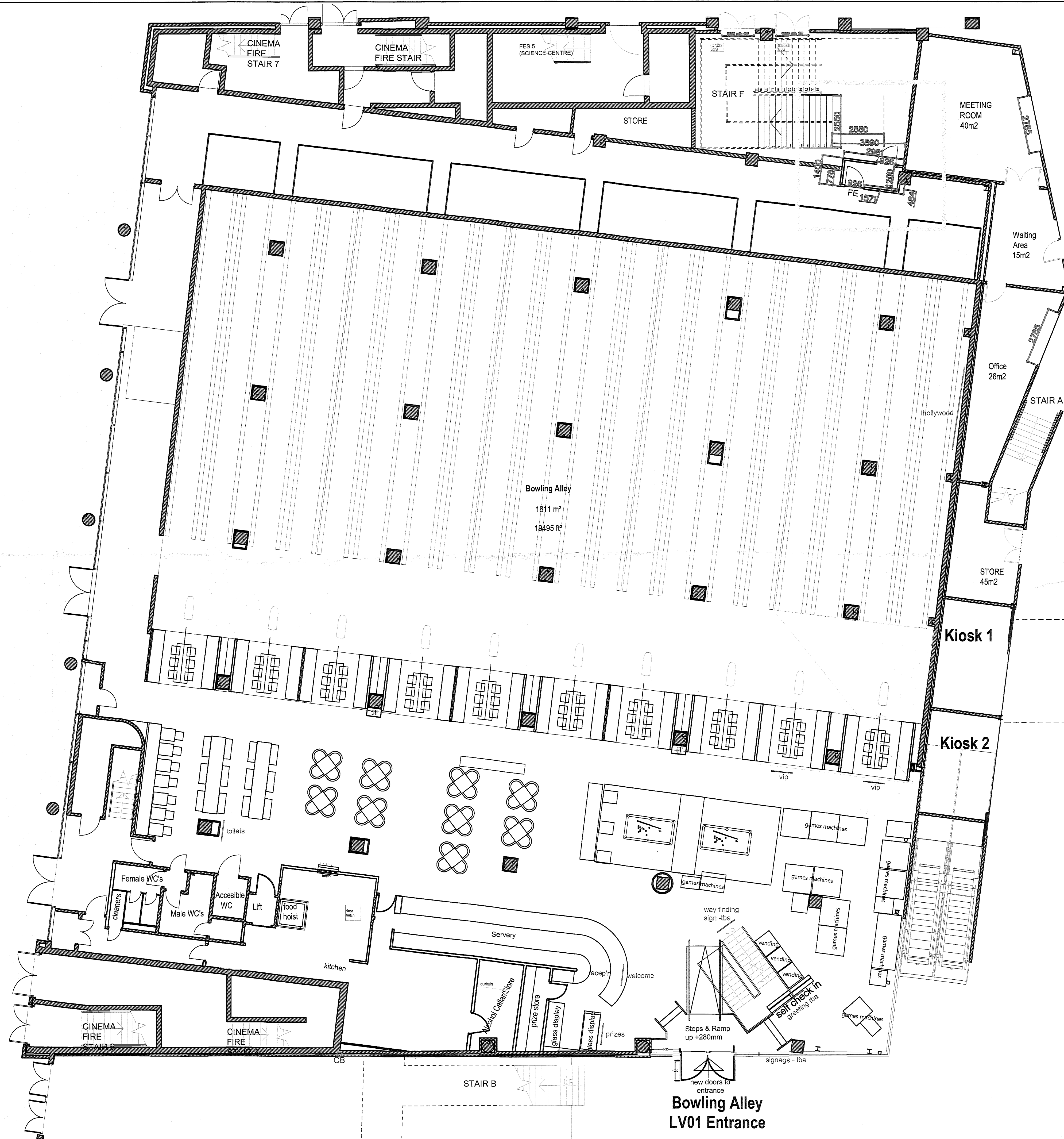
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REV	DATE	DESCRIPTION	BY	APPROVED
A	23/11/2020	teamroom relocated to amended store layout off kitchen leading fire curtain housing indicated and boots relocated to suit curtain closing	NJT	GT
H	03/11/2021	food hoist relocated due to services within ceiling below to suit curtain closing	NJT	GT
G	28/09/2021	fit hoist size increased, wall to kitchen area revised	NJT	GT
F	20/07/2021	signage indicated for info kitchen, cellar and P&P store and desk amended	NJT	GT
E	07/07/2021	entrance doors added	NJT	GT
D	11/08/21	glasswash and finishing kitchen layout added	NJT	GT
C	21/05/21	layout revised	NJT	GT
B	18/05/21	disabled wc added, plantroom increased, team room & cash office added	NJT	GT
A	12/05/21	layout revised	NJT	GT

PLAY DESIGN LTD

24 Market Street
Bromsgrove
Worcestershire
B61 8DA

CLIENT		
THE ORIGINAL BOWLING CO		
PROJECT		
HOLLYWOOD BOWL BELFAST		
DRAWING		
FIRST FLOOR PROPOSED		
DRAWING NUMBER		REVISION
04		1
		SHEET 2 OF 2
JOB NO	SCALE	CAD REF
303	1:100 (A1)	XXXX-00
DRAWN BY	APPROVED BY	DATE
NJT	GT	04/2021



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REV	DATE	DESCRIPTION	BY	APPROVED
N	07.02.2022	Initial design and layout	NJT	GT
M	01.02.2022	Revised design and layout	NJT	GT
L	17.01.2022	New fire control, structural information and req	NJT	GT
K	23/1/2021	cleaners store added to ladies toilets	NJT	GT
J	02/1/2021	wood hoist removed from 2nd floor ceiling	NJT	GT
I	02/1/2021	entrance ramp amended	NJT	GT
H	28/09/2021	hole size increased in kitchen. Storage hutch added for 10	NJT	GT
G	20/07/2021	DELTA Building Control Service	NJT	GT
F	07/07/2021	new entrance added at entrance, storage racks not reduced	NJT	GT
E	06/07/2021	new entrance added at entrance, storage racks not reduced	NJT	GT
D	11.05.21	Kitchen layout added	NJT	GT
C	26.05.21	wallpaper station added around kitchen hatch	NJT	GT
B	21.05.21	layout revised	NJT	GT
A	12.05.21	layout revised	NJT	GT

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Bromsgrove
Worcestershire
B61 8DA

CLIENT		
THE ORIGINAL BOWLING CO		
PROJECT		
HOLLYWOOD BOWL BELFAST		
DRAWING		
GROUND FLOOR PROPOSED		
DRAWING NUMBER		REVISION
03		N
		SHEET
		1 OF 2
JOB NO	SCALE	CAD REF
303	1:100 (A1)	XXXX-00
DRAWN BY	APPROVED BY	DATE
NJT	GT	04/2021



Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

11th January 2022

Dear Mary

[REDACTED]
[REDACTED]
[REDACTED]
Hollywood Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast
[REDACTED]
[REDACTED]
[REDACTED]

Please note that there are no current police objections to the attached applications being further considered by Belfast City council, local residents, other business' and the NIFRS.

Please confirm that all BCC requirements and conditions have been adhered to. Also that all current COVID – 19 Regulations and Guidance will be strictly adhered to, implemented and enforced by the licence holder.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions.

Kind Regards

A handwritten signature in black ink, appearing to read 'Donna Tolan'.

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: **Z/2003/0323/F**

Date of Application: **13th February 2003**

Site of Proposed Development: **1st floor, Unit 2, Odyssey Pavillion, Queens Quay, Belfast**

Description of Proposal: **Change of use from part of leisure unit to amusement centre.**

Applicant: **Odyssey Bowl Ltd**
Address: **Unit 2 Odyssey Pavillion
Queens Quay
Belfast
BT3 9QQ**

Agent: **Bill McAlister**
Address: **34 Ballybarnes Road
Newtownards
Co Down
BT23 4UE**

Drawing Ref: **01, 02**

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit.

2. Subject to the above condition(s), the development shall be carried out in accordance with the stamped approved drawing(s) No 01 and 02 which were received on 13 February 2003.

Reason: To ensure a satisfactory form of development.

Application No. **Z/2003/0323/F**

DC1001MW

Belfast Planning Office



Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Dated: 3rd April 2003



Authorised Officer

Application No. Z/2003/0323/F

DC1001MW

Belfast Planning Office

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Amusement Permit Policy





Introduction

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

This means that the Council issue amusement permits to premises, typically described as amusement arcades, which have 'amusement with prizes machines'. These types of machines are normally known as gaming machines. Except in the case of renewing amusement permits, applicants are normally required to first obtain planning permission for an amusement arcade before applying for an amusement permit.

What are gaming machines and amusement arcades?

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

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

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

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

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

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



authority, it is entitled to do so. In coming to its own decision, the Council is not bound to accept in its entirety the decision of the planning authority.

This policy is framed to be broadly consistent with regional planning guidance on amusement arcades and, at the same time, it is tailored to take into account local considerations particular to Belfast, including the location of existing amusement arcades in the City.

Whilst this policy strives to introduce greater certainty into decision-making on amusement permit applications, its contents do not prejudice the statutory power of the Council, under Article 111 of the 1985 Order, to consider any ground it deems reasonable to refuse to grant an amusement permit. The Council will therefore take into account a change in circumstances that may influence the Amusement Permit Policy and any criteria set out within it.

Although the policy is primarily intended to serve as a guide for assessing applications for amusement permits by the Council's Licensing Committee, given its interrelationship with planning considerations the policy will also be a material consideration to related applications for planning permission by the Council's Town Planning Committee. This is because applicants are usually required (except in the case of renewing amusement permits) to first obtain planning permission for the proposed amusement arcade before applying for an amusement permit.

At present, the Council is consulted on planning applications and DOE (NI) Planning makes the final decision on all planning applications, including those for amusement arcades. However, this arrangement is set to change and the Council will become the statutory planning authority for planning applications of this type in 2015. Until this transfer of power takes place, this amusement permit policy will be a material consideration for DOE (NI) Planning in determining planning applications for amusement arcades in Belfast.

This policy outlines five criteria that the Council will typically consider when assessing the suitability of a location for a proposed amusement arcade. As these criteria largely overlap with planning considerations, reference to them by DOE (NI) Planning is intended to reduce the likelihood of conflicts arising on issues that are common to both planning applications and respective permit applications.

Notwithstanding those considerations or criteria expressly outlined in this policy, the Council will take into account any matter which it deems relevant. The Council may also depart from the policy where it appears appropriate or necessary, although it is envisaged that this will only happen in exceptional circumstances.

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

It is anticipated that the policy will be reviewed every three years so that it can remain abreast of the dynamics of the gambling industry and any changes in legislation.



Objectives of the Policy

The key objectives of this policy can be largely linked to the Council's overarching strategic goal of improving the quality of life for present and future generations in Belfast by making it a better place in which to live, work, visit and invest. Against this background and in light of the research carried out, the interrelated 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.

The first two policy objectives are in line with our key strategic objectives to support the local economy, including through the development and promotion of tourism. The third objective ties in with the 'support people, communities and neighbourhoods' aspect of our Investment Programme. The final two objectives are consistent with the core objectives of the Gambling Act 2005, which at present only applies to Great Britain but is currently being considered by the Department of Social Development (NI) in the context of the review of gambling legislation in Northern Ireland. .

Assessing amusement permit applications

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

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

The Council will consider both these components of policy when deciding on **new** amusement permit applications. When determining an application for **renewal** of an amusement permit, the primary focus will be on the requirements set out in the 1985 Order, and this policy will only be applied in very exceptional circumstances.

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



Legal requirements under the 1985 Order

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

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

Each of these requirements is outlined below.

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

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

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

Justification and clarification

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

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

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

2. The nature of the premises proposed

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

Guidance in respect of the above 3 considerations can be found in Appendix A to this policy.

Justification and clarification

As far as amusement arcades and gaming machines are concerned, legislation exists to regulate rather than promote this form of gambling. Accordingly, the Council are keen to ensure that the premises do not openly encourage gambling.



3. Opinion of the Police

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

Justification and clarification

Under the 1985 Order, the Council must consult with the Police on amusement permit applications. It is important to ascertain the views of the Police, not only in respect of the character of the applicant but also the suitability of the area for an amusement arcade. For example, it may be relevant to the assessment of the application if the Police indicate that the vicinity of the proposed amusement centre is associated with abnormal levels of antisocial behaviour, or has been the subject of police intervention in the past. To this end, the Council will request that the Police complete a short questionnaire on the applicant and premises, a sample copy of which is contained in Appendix B.

4. Submissions from the general public

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

Justification and clarification

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

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

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

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

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

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

Clarifications:

Before we look at these in detail, we must first make a number of clarifications on the use of these assessment criteria:



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

Each of the 5 criteria is now explained.

1. Impact on the retail vitality and viability of Belfast City

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

- *A renewal of an existing amusement permit; or*
- *Part of a major, retail-led mixed use development; or*
- *An upper storey development.*

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

Justification and clarification

In line with the objective to promote the retail vibrancy and regeneration of Belfast, the Council is keen to promote pedestrian flows in Belfast's busiest shopping streets by supporting retailers and retail development.

In stark contrast to shop units, amusement arcades are commercial leisure venues which do not have a general appeal for visitors and only have a small customer base. Only 6 per cent of people surveyed in NI in 2010 stated that they used fruit or slot machines. Viewed in this context, the opening of amusement arcades in the retail core of Belfast can be considered incompatible with the Council's aim to promote shopping in the main shopping streets of Belfast City Centre. The extent of the retail core within Belfast City Centre is shown in Appendix C.

Encouraging retailing in the retail core is in accordance with retail planning policy outlined in the DOE's Planning Policy Statement 5 on Retailing and Town Centres (PPS 5, paragraphs 11, 23 and 25).

The Council's aim of maintaining a continuous shopping frontage in all parts of Belfast is in keeping with DOE (NI) Planning's 'Development Control Advice Note 1' (DCAN 1). An application for an amusement arcade is deemed to break up a continuous shopping frontage where it proposes to replace a shop unit that is bordered by an adjacent shop unit either side of it. This may also apply to situations when one or more of the shops are vacant at the time. For the purposes of this policy a shop unit can be defined as one belonging to Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2004. A copy of this use class is contained in Appendix D.

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

The Council will limit the number of amusement permits it grants to one per shopping or commercial frontage and one per shopping centre. Where this number of permits has already been granted, or exceeded, no more amusement permits will be considered.



Under this criterion, 2 or more amusement arcades in adjacent ground-floor units will not be allowed (except for those already existing), including the ground-floor extension or merger of an existing establishment into an adjoining unit.

Justification and clarification

As the Council want to promote retailing, it is anxious to avoid a cumulative build-up or clustering of amusement arcades in a particular location. This approach is also supported by the research finding that there are twice as many machines per person in Belfast than in GB as a whole.

Unlike betting offices and bingo clubs, where licensing is a matter for the courts in Northern Ireland, there is no legal requirement by the applicant to demonstrate that a demand exists for an amusement arcade in a particular area. However, DOE (NI) Planning does consider the cumulative impact of these forms of developments. (DCAN 1) refers to the need to '*take into account the effect of larger numbers on the character of a neighbourhood*'. Likewise, Planning Policy Statement 5 on Retailing and Town Centres (PPS 5) highlights the requirement to avoid a '*clustering*' of non-retail uses, a term which is inclusive of amusement arcades, in Retail Cores and District Centres.

For the purposes of this amusement permit policy, a shopping or commercial frontage can be defined as a group of mainly ground-floor businesses that shares a continuous frontage and which is usually separated from other frontages by a different road or street name. A shopping centre refers to a group of retail and non-retail uses that is usually anchored by a large store. Beyond Belfast City Centre, shopping centres are referred to as District Centres and are located off Arterial Routes, which are the major transport thoroughfares into the City Centre.

3. Impact on the image and profile of Belfast

Amusement permits will not be granted at locations that are regarded as tourism assets, and at Gateway locations in Belfast City Centre.

Justification and clarification

In keeping with one of the key objectives of this policy, namely to enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage, the Council will not grant amusement permits at locations regarded as tourism assets and at key entrance junctions (Gateways) into Belfast City Centre.

The Council will protect those areas, buildings and their settings (if appropriate) that are inherently linked to the image and tourist profile of the City. As far as this policy is concerned, the setting of a tourist asset relates to the neighbouring property either side of its main entrance, whether or not this neighbouring property is adjacent to it, or separated from it by a road or street.

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

Under this criterion, the Council will also protect the Gateway locations at the edge of Belfast City Centre which are considered suitable for landmark development capable of raising the profile of Belfast. These Gateway locations are key entrance points into the City Centre, where visitors form their first overall impression of the city centre. Viewed in this context, it is considered that granting amusement permits for new premises at ground-floor level is inappropriate for these locations. If you need clarification on what is considered a Gateway location you can contact us.



4. Proximity to residential use

Amusement permits will not be granted in areas that are predominantly residential in character, including local centres located within these areas. They will also not be granted in non-residential property that is immediately adjacent to residential property.

Justification and clarification

Bearing in mind that one of the Council's corporate objectives is to 'support people, communities and neighbourhoods' and that this is also a key objective of this policy, the Council will seek to prevent amusement arcades opening in predominantly residential areas.

Residential areas commonly have a local centre. PPS 5 describes a local centre as:

'Small groupings of shops, typically comprising a general grocery store, a sub-post office, occasionally a pharmacy and other small shops of a local nature.'

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

This criterion is also consistent with DOE (NI) planning policy guidance. DCAN 1, states that amusement arcades *'are not normally acceptable near residential property'*.

Areas that are predominantly residential in character obviously exclude extensive industrial or business areas which are clearly distinct from housing. Predominantly residential areas also exclude shopping and commercial areas located along Belfast's Arterial Routes.

Arterial routes are the major access roads and public transport corridors into the City Centre. They typically accommodate the greatest mix of uses outside of the City Centre, including shopping, commercial, social, leisure, community and other uses. There are 18 of these arterial routes in Belfast.

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

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

Justification and clarification

The protection of children and vulnerable people from gambling is a key objective of this policy. Vulnerable people are those persons who gamble more than they want to, persons who gamble beyond their means and persons who may not be able to make informed or balanced decisions about gambling perhaps due to a mental impairment, alcohol or drugs.

This component of the policy is in keeping with the prevailing gambling legislation in Great Britain, where Councils have embodied it as a core objective of their licensing policies, and is in line with similar legislative proposals being considered by the Department for Social Development (Northern Ireland) and the Department of Justice & Law Reform in the Republic of Ireland.

While the Council acknowledges that amusement arcades restrict admittance to underage persons and that the 1985 Order does not specifically refer to the need to consider the effects on persons attending schools or youth clubs, the Council believes that a precautionary approach is required for applications made near locations where children, young persons and vulnerable



people congregate. Accordingly, the Council will not permit amusement arcades within 200metres of a school, youth centre or a residential institution. This distance has regard to regional planning policy guidance, which recognises it as '*a location within easy walking distance*'.

Conclusion

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

The Council has broad discretion in the range of matters it may consider in the determination of applications. This policy establishes, for all interested parties, the matters which are likely to be taken into consideration. This does not prevent the Council from departing from this policy where it is appropriate to do so.



Appendix A

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

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

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

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

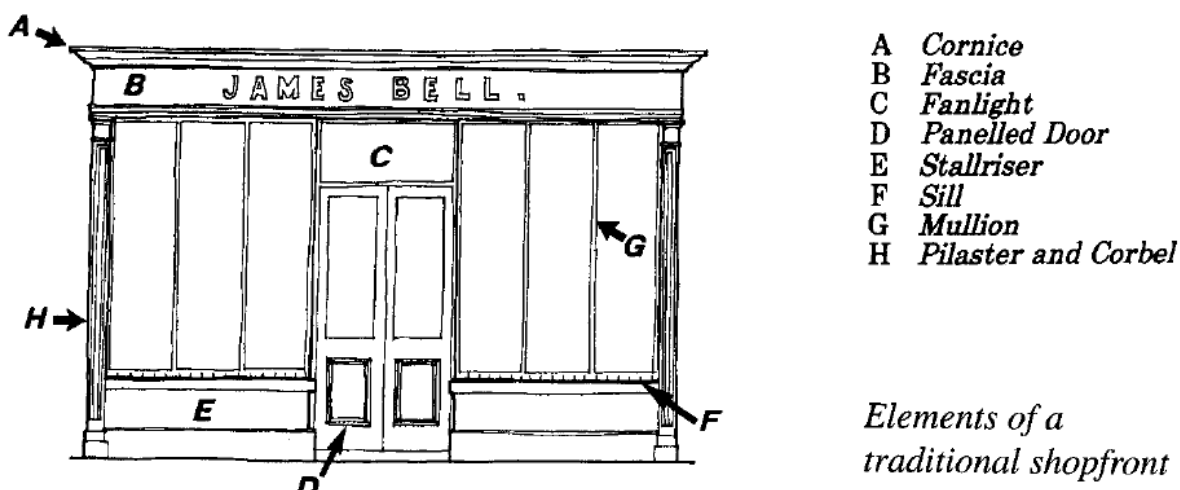
- **Illumination** – as a general rule illumination should be kept to a minimum and no floodlighting of premises will be permitted, save for trough/spot lighting over the fascia.
- **Form of advertising and window displays** – the name of the business should be clearly advertised in the window. Legislation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



displayed. Notices containing helpline numbers for organisations such as GamCare, Gamblers Anonymous, Gambleaware, etc. should also be displayed within the premises. Applicants may also wish to consider providing information leaflets with helpline numbers near gaming machines.

Guidance on the content of Notices is available in the rule book known as the Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the Code). The Committee of Advertising Practice (CAP) is the self-regulatory body that creates and enforces this Code. The latest version of the CAP CODE is available online at <http://www. www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx>

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



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



Appendix B Police Questionnaire

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended)

In accordance with the above legislation, relating to Amusement Permits, the Police Service of Northern Ireland (PSNI) is duly requested to give its considered opinion in respect of the fitness of the applicant to hold an amusement permit and the location of the application premises.

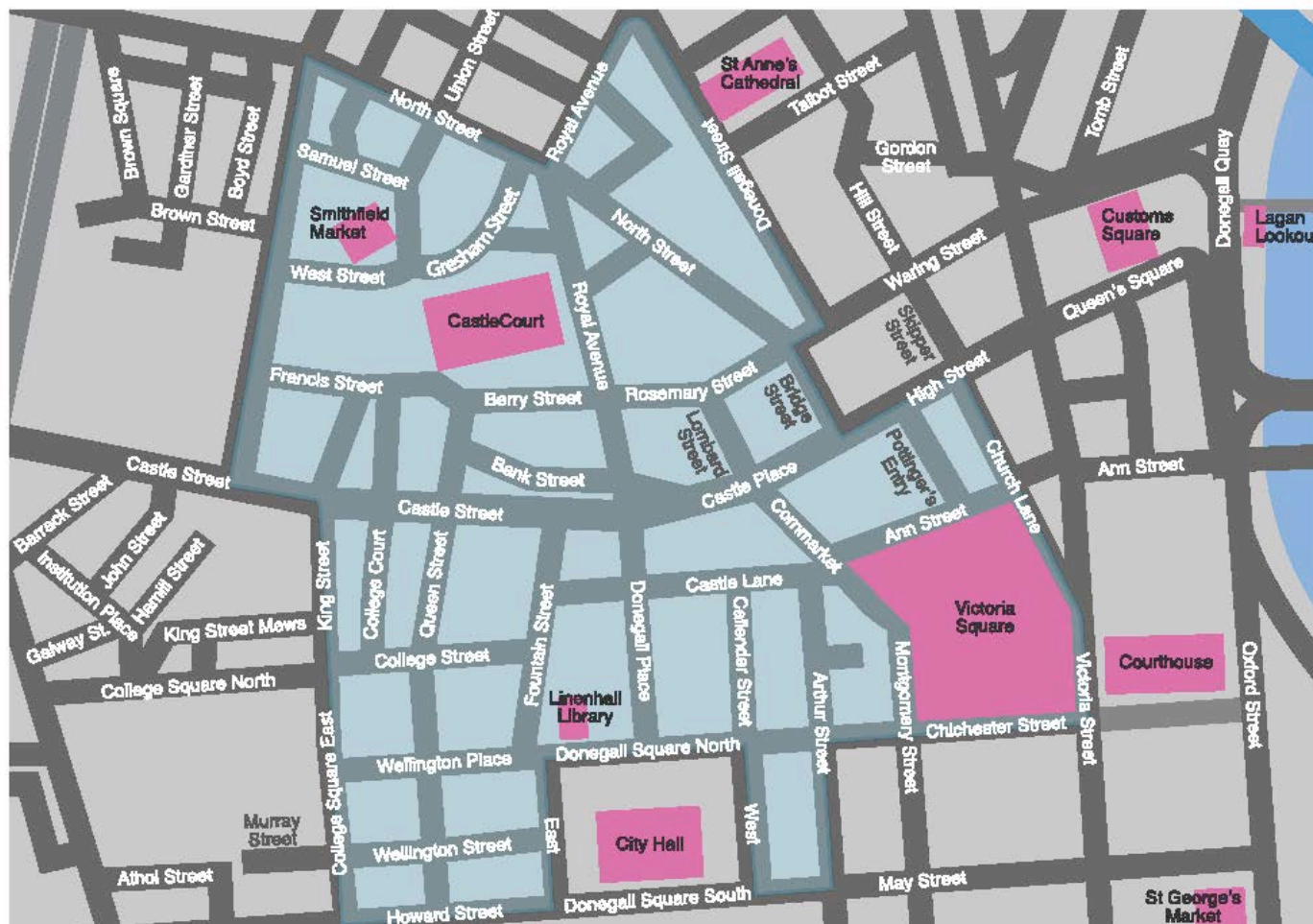
Applicant details:

Premises' details:

Application for Amusement Permit (including renewal of Permits)				
Question	Y	N	Don't Know	If 'Y' please provide details including dates
Has the applicant ever been convicted of a criminal offence?				
Has the Police ever received complaints about the applicant or premises?				
Has the Police ever been called to intervene in disturbances in the vicinity of the premises?				
Has the Police ever objected to an amusement permit application for these premises in the past, or to an application made by the same applicant elsewhere?				
Overall, does the Police have any objections to this applicant being granted an amusement permit?				
Overall, in the opinion of the Police, is the location of the premises considered suitable for an amusement arcade? For example its suitability in terms of its proximity to residential institutions that are used for bail or probation purposes.				If 'N' please give reasons



Appendix C: Belfast City Centre Retail Core





Appendix D: Definition of a shop
- extract from The Planning (Use Classes) Order (Northern Ireland) 2004

SCHEDULE

PART A

SHOPPING AND FINANCIAL & PROFESSIONAL SERVICES

Class A1: Shops

Use for all or any of the following purposes –

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

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

Amusement Permit Policy

The policy was ratified by Belfast City Council on 1 May 2013.

Building Control Service
Health & Environmental Services Department
Belfast City Council
5th Floor
9 Lanyon Place
Belfast
BT1 3LP

Tel: (028) 9027 0650
buildingcontrol@belfastcity.gov.uk

Additional copies available on request or from our webpage.

Copies are also available in alternative formats on request from our Building Control Service.



Belfast
City Council

LICENSING COMMITTEE

Subject:	Applications for the Provisional Grant of an Outdoor Entertainments Licences for Flaxx @ Linen Quarter.
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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	☐

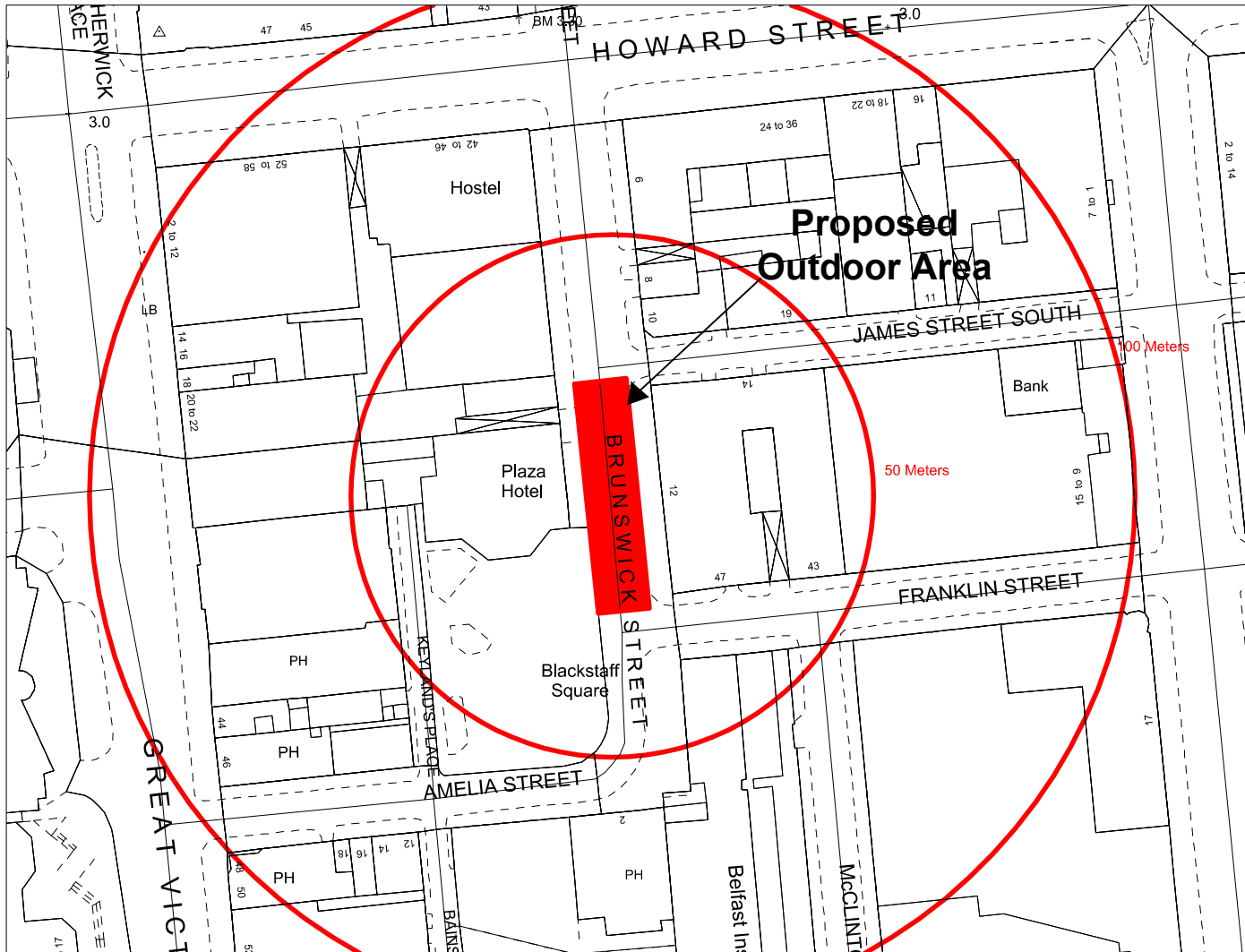
Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the provisional grant of a 7-Day Annual Outdoor Entertainments Licence to provide outdoor musical entertainment.		
	Area and Location Flaxx @ Linen Quarter Brunswick Street Belfast BT2 7GE	Ref. No. WK/2020/02553	Applicant Mr Christopher McCracken Belfast Central Business District Ltd, 7 Donegall Square West, Belfast, BT1 6JH

1.2	A location map is attached as Appendix 1.
2.0	Recommendations
2.1	Taking into account the information presented and any representations received Members are required to consider the application and to: a) Approve the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence, or b) Approve the application for the provisional grant with special conditions, or c) Refuse the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence.
2.2	If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.
3.0	Main report
	<u>Key Issues</u> <u>Provisional grant of a licence</u> 3.1 There is provision within the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) to make application for the grant of an entertainments licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered. 3.2 If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council. 3.3 This is described as the provisional grant of a licence. 3.4 Should the Council grant a provisional licence the Order states that, when it is satisfied that the premises have been completed in accordance with the plans deposited, the Council must then issue the licence. 3.5 Should Members be of mind to grant the licence provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the licence once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service. <u>Details of the Premises and Proposals</u> 3.6 The premises are a newly constructed decking area on Brunswick Street between James Street South and Franklin Street. This portion of the road has been formally closed by DfI Roads to allow for the creation of a new public realm space. 3.7 Entertainment is proposed to be provided with maximum capacity of 500 persons. 3.8 The days and hours during which entertainment is proposed to be provided are:

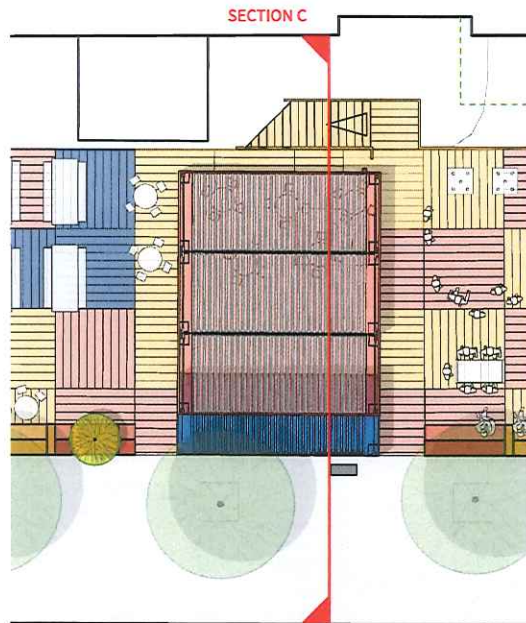
	- Monday to Saturday: 11.30am to 11.00pm and - Sunday: 12.30pm to 11.00pm
3.9	The applicant proposes to provide entertainment such as small music concerts, busker-style musical performances and kids activities.
3.10	Layout plans of the premises are attached as Appendix 2.
	<u>Representations</u>
3.11	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.
	<u>PSNI</u>
3.12	The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.
3.13	A copy of their correspondence is attached at Appendix 3.
	<u>NIFRS</u>
3.14	The Northern Ireland Fire and Rescue Service have been consulted in relation to the application. At the time of writing this report the Service have not received a response. An update will be provided for Committee at your meeting.
	<u>Health, safety and welfare</u>
3.15	The applicant has submitted a Building Regulations application for the construction of the new outdoor area. It is envisaged that the building works to refurbish this space will be complete in April 2022.
3.16	Members should note that, if you are minded to provisionally grant the application, it will not be declared final until all works are complete and comply with the Building Regulations. This will ensure compliance, amongst other matters, with all fire safety, structural and access requirements.
3.17	All certification pre-requisite to the grant of a licence will also be required before the licence can be confirmed.
	<u>Noise</u>
3.18	The applicant has provided the Service with an acoustic report for the outdoor area. This has been provided to the Environmental Protection Unit (EPU) for evaluation. As with other technical requirements associated with the provisional application any appropriate acoustic measures will also require to be implemented before the grant of the licence can be confirmed.
	<u>Applicant</u>
3.19	The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.

3.20	<u>Financial & Resource Implications</u> None. <u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.21	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	• Appendix 1 – Location map • Appendix 2 – Layout Plans • Appendix 3 – PSNI Response



DRAWN BY M Treacy	Flaxx @ Linen Quarter Brunswick Street	SCALE 1:1250 @ A4
DATE 01/04/2022		

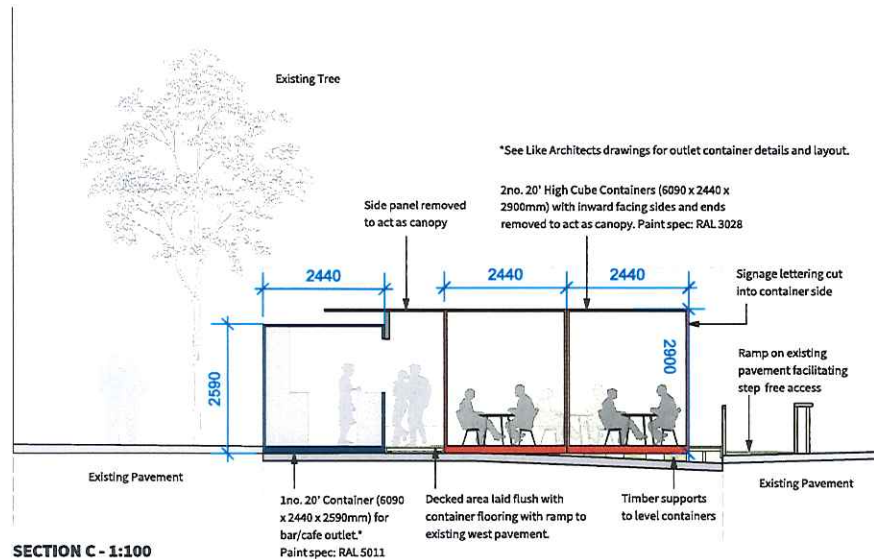
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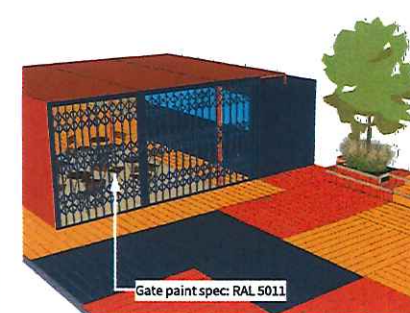
LOCATION PLAN - 1:150



- Cafe/bar outlet container to incorporate roll top side and hatch allowing premises to be locked. Design to be confirmed.



SECTION C - 1:100



COLLAPSIBLE GATE OPTIONS



- Collapsible gate fixings at either end of the canopy to allow furniture storage, container security and prevent possible usage of the sheltered space outside operational hours. A folding gate would make spatial sense and allow easy but secure locking for both sides of the sheltered area.

- Top hung collapsible gate quote approx. £5k per side (Bolton Gate Company) - Example images left

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NOTES:

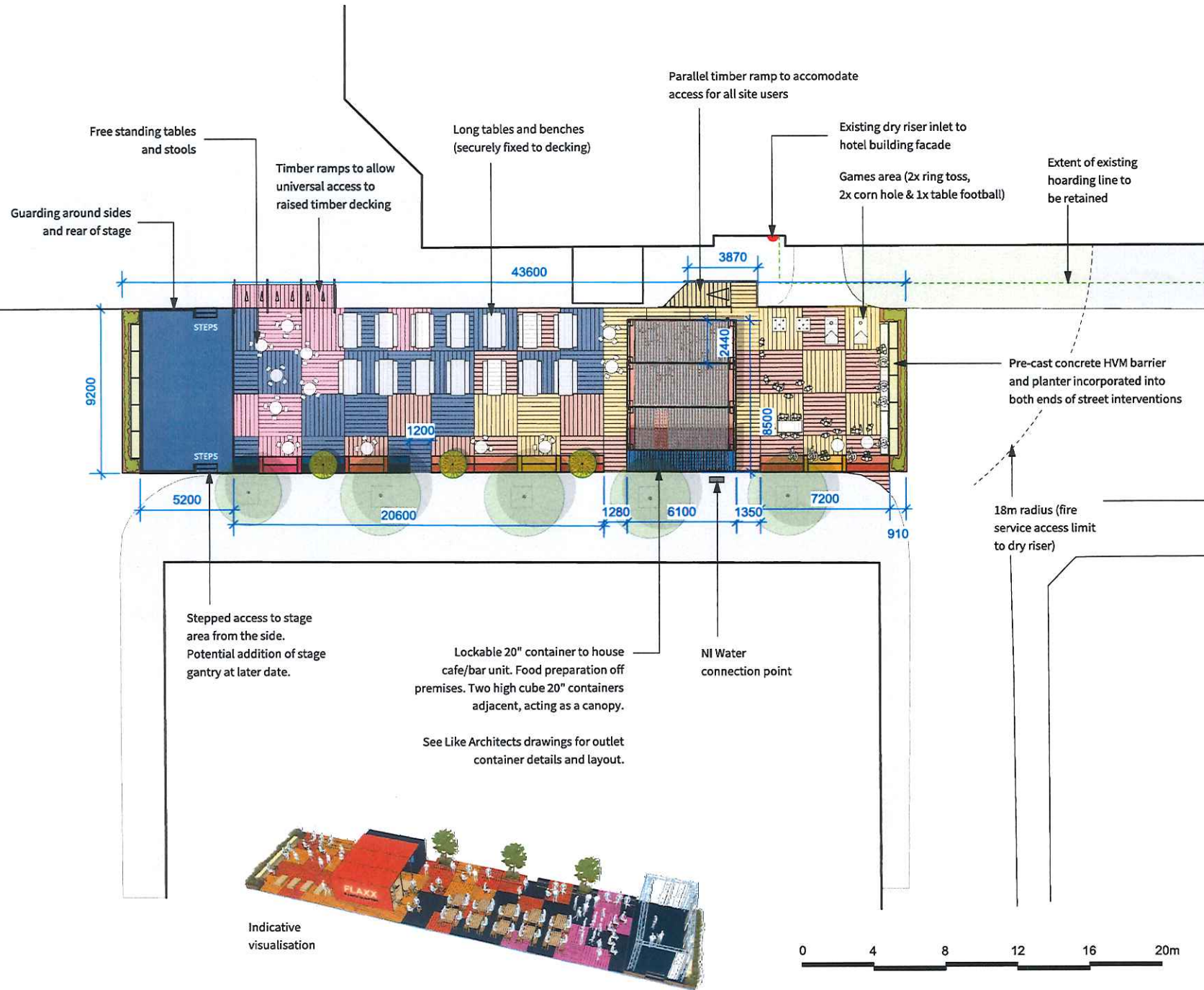
1. Do not scale from this drawing.
2. Always work to noted dimensions.
3. All dimensions are in millimetres unless otherwise stated.
4. All setting out, levels and dimensions to be agreed on site.
5. The dimensions of all materials must be checked on site before being laid out.
6. This drawing must be read with the relevant specification clauses and detail drawings.
7. Order of construction and setting out to be agreed on site.

Refer to the associated written specification for the containers.

SL-0104	20/08/21	For Construction	BM	GB
SL-0105	20/08/21	For Construction	BM	GB
SL-0106	21/10/20	For Tender	BM	GB
SL-0107	20/08/21	For Planning	BM	GB

Revision	Date	Description	Drawn	Approved
1	20/08/21	Plant L.E. Limited		
2	21/10/20	MANCHESTER		
3	21/10/20	LONDON		
4	21/10/20	LIVERPOOL		
5	21/10/20	LIVERPOOL		

Client	Linen Quarter BID
Project	Brunswick Street
Org Title	Container Study
Created on	06/11/20
Created by	BM
Approved by	GB
Scale	A3
Site	Workstage
Varies	Construction
Org No.	2574-PLA-XX-XX-DR-1-1002
Buildability	S1
Revision	P04



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NOTES:

1. Do not scale from this drawing.
2. Always work to noted dimensions.
3. All dimensions are in millimetres unless otherwise stated.
4. All setting out, levels and dimensions to be agreed on site.
5. The dimensions of all materials must be checked on site before being laid out.
6. This drawing must be read with the relevant specification clauses and detail drawings.
7. Order of construction and setting out to be agreed on site.

KEY

- Timber decking (repainted scaffold boards laid flush with container floor)
- Timber clad bleacher seating (on timber frame structure)
- F&B outlet and games hire (shipping container)
- Shipping container seating shelter with feature graphic cut out
- Proposed tree in planter
- Existing street tree

Revision	Date	Description	Drawn	Approved
SI-P04	25/10/21	For Construction	BM	GB
SI-P03	17/12/20	For Tender	BM	GB
SI-P02	02/12/20	For Planning	BM	GB
SI-P01	15/11/20	For Planning	BM	LH

Planit L.E. Limited
 E: info@planit-le.com W: planit-le.com
 MANCHESTER
 2 Bank Quay, 2nd Floor, Manchester, M4 1JY
 T: 0161 578 5751
 LONDON
 Unit 1, Watney, 44-46 Watney Road, London, N1 7UB
 T: 0207 7303418
 LINCOLN
 Unit 1, 12 Fifeham Street, Lincoln, LN2 2BT
 T: 01522 363 1230

Client: Linen Quarter BID

Project: Brunswick Street

Proj Title: General Arrangement

Created on: 27/10/20 **Created by:** BM **Approved by:** LH

Scale: 1:200 **Size:** A3 **Workstage:** Construction

Proj No: 2574-PLA-XX-DR-L-1000 **Subsidiary:** S1 **Revision:** P04



Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

3rd April 2022

Dear Quintin

Re FLAXX – Brunswick Street, outdoor Entertainment Licence application

Please note that there are no current grounds for police objections to the above application being further considered by Belfast City council, residents, other local business and NIFRS.

FYI the 'Café/ Bar outlet container' referred to in the plan has no current liquor licence in place. As you are aware Brunswick Street is a 'designated place' under the 'Alcohol Bye Laws 2012'

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions, confirming that all BCC requirements and conditions have been adhered to and that all current COVID – 19 guidance will be considered by the licence holder.

Kind Regards

A handwritten signature in black ink, appearing to read 'Donna Tolan', with a long horizontal stroke extending to the right.

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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Belfast
City Council

LICENSING COMMITTEE

Subject:	Application for the Provisional Grant of an Outdoor Entertainments Licences for Cargo @ T13, Titanic Quarter.
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Darren McCamphill, Lead Building Control Surveyor, Ext 2444

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	☐

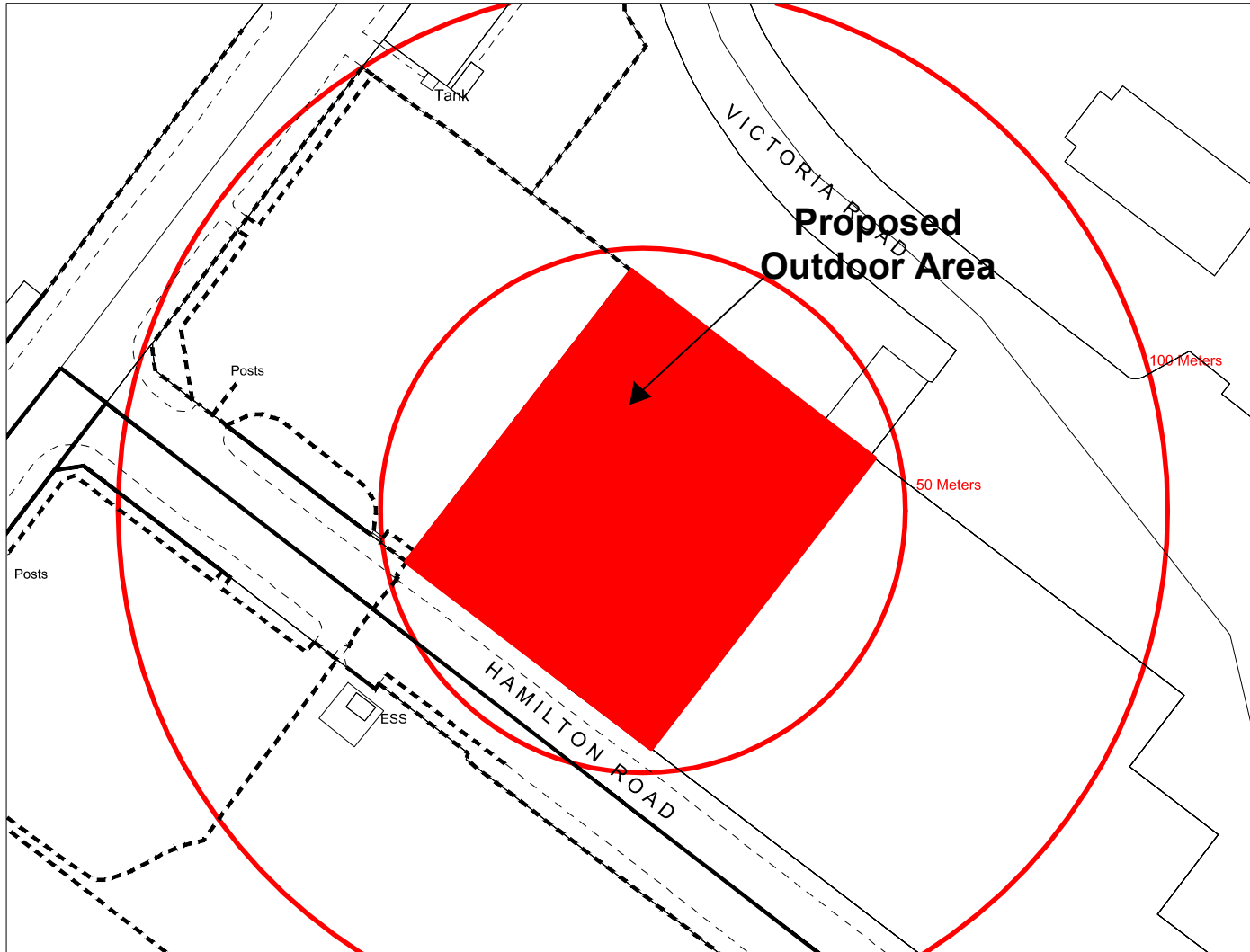
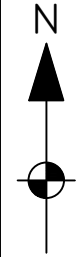
Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the provisional grant of a 7-Day Annual Outdoor Entertainments Licence to provide outdoor musical entertainment.		
	Area and Location	Ref. No.	Applicant
	Cargo @ T13 Queens Road Belfast BT3 9DT	WK/2020/02550	Mr James Joyce Coobet Trading Limited 126 Clonduff Drive Belfast, BT6 9NT
1.2	A location map is attached as Appendix 1.		

2.0	Recommendations
2.1	Taking into account the information presented and any representations received Members are required to consider the application and to: a) Approve the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence, or b) Approve the application for the provisional grant with special conditions, or c) Refuse the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence.
2.2	If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.
3.0	Main report
	<u>Key Issues</u> <u>Provisional grant of a licence</u> 3.1 There is provision within the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) to make application for the grant of an entertainments licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered. 3.2 If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council. 3.3 This is described as the provisional grant of a licence. 3.4 Should the Council grant a provisional licence the Order states that, when it is satisfied that the premises have been completed in accordance with the plans deposited, the Council shall then issue the licence. 3.5 Should Members be of mind to grant the licence provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the licence once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service. <u>Details of the Premises and Proposals</u> 3.6 The premises will be a newly formed outdoor events space located on the current hardstanding area to the front of the T13 facility at Titanic Quarter. The perimeter to the event space is to be formed with shipping containers. The space within which entertainment may be provided can accommodate a maximum capacity of approximately 4000 persons. 3.7 The days and hours during which entertainment is proposed to be provided are: • Monday to Saturday: 11.30am to 11.00pm and • Sunday: 12.30pm to 11.00pm

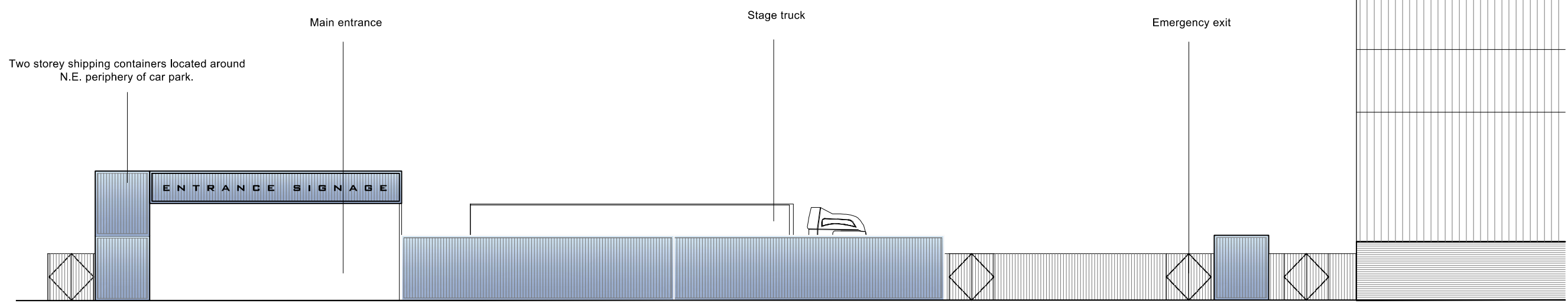
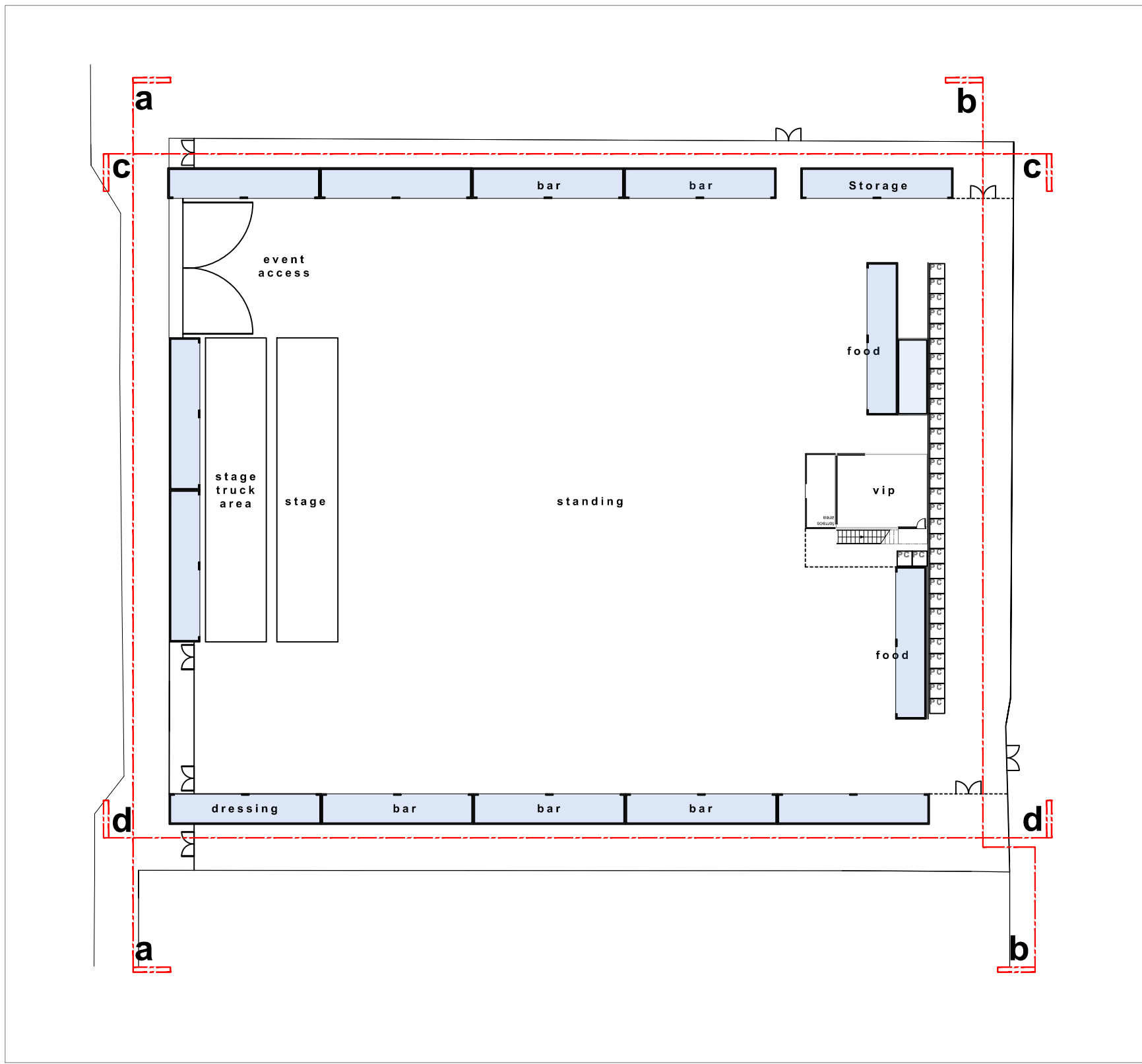
3.8	The applicant proposes to provide a range of activities in the location which will include a bar facility, a restaurant and live music.
3.9	Layout plans of the premises are attached as Appendix 2.
	<u>Representations</u>
3.10	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.
	<u>PSNI</u>
3.11	The Police Service of Northern Ireland have been consulted in relation to the application. At the time of writing this report the Service have not received a response. An update will be provided for Committee at your meeting.
	<u>NIFRS</u>
3.12	The Northern Ireland Fire and Rescue Service have been consulted in relation to the application. At the time of writing this report the Service have not received a response. An update will be provided for Committee at your meeting.
	<u>Health, safety and welfare</u>
3.13	Members should note that, if you are minded to provisionally grant the application, it will not be declared final until all works are complete to ensure compliance, amongst other matters, with all fire safety, structural and access requirements.
3.14	All certification pre-requisite to the grant of a licence will also be required before the licence can be confirmed.
	<u>Noise</u>
3.15	The applicant has been asked to submit an acoustic report for the outdoor area which will then be provided to the Environmental Protection Unit (EPU) for evaluation. As with other technical requirements associated with the provisional application any appropriate acoustic measures will also require to be implemented before the grant of the licence can be confirmed.
3.16	Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.
	<u>Applicant</u>
3.17	The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.
	<u>Financial & Resource Implications</u>
3.18	None.

3.19	<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 – Location map • Appendix 2 – Layout Plans

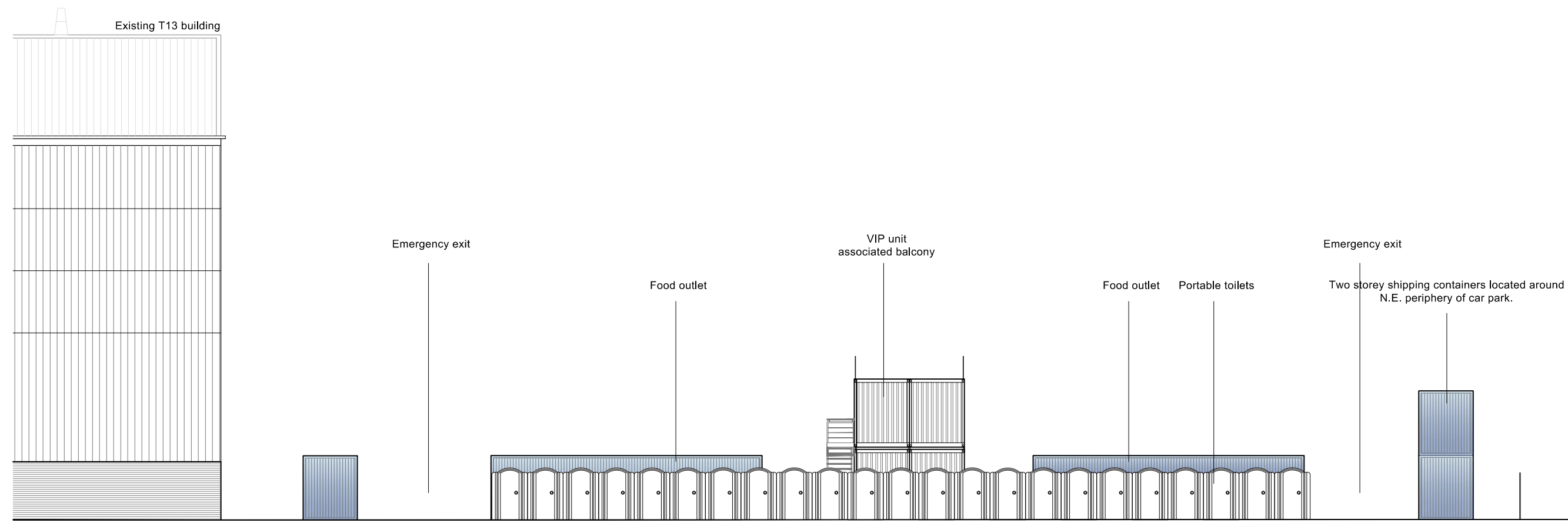


DRAWN BY M Treacy	Cargo @ T13 Queens Road	SCALE 1:1250 @ A4
DATE 04/04/2022		

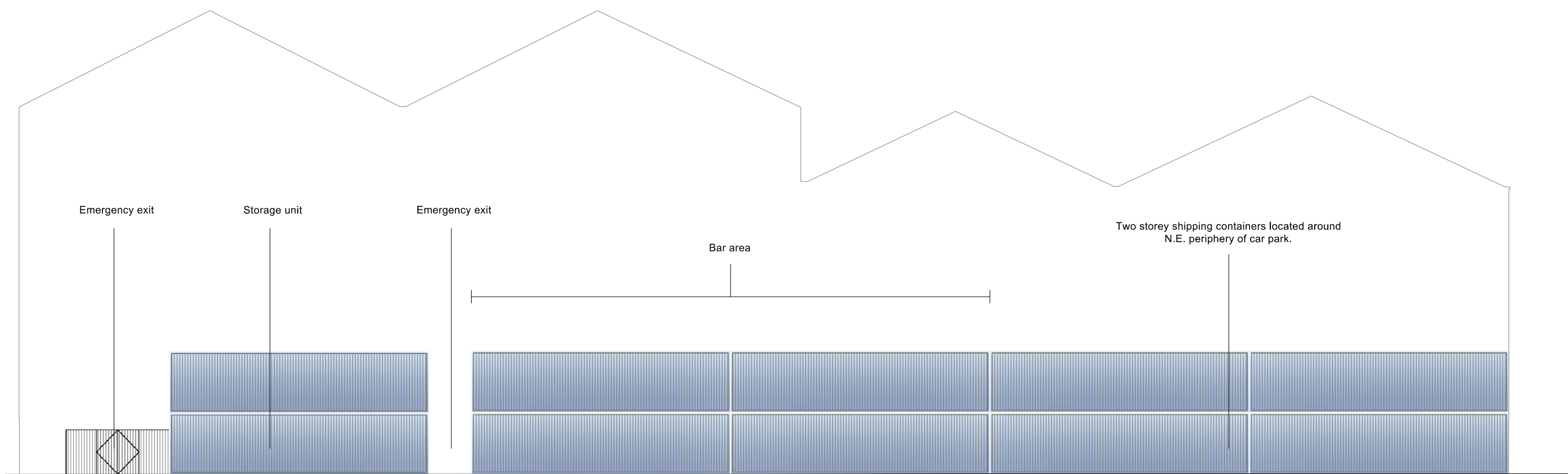
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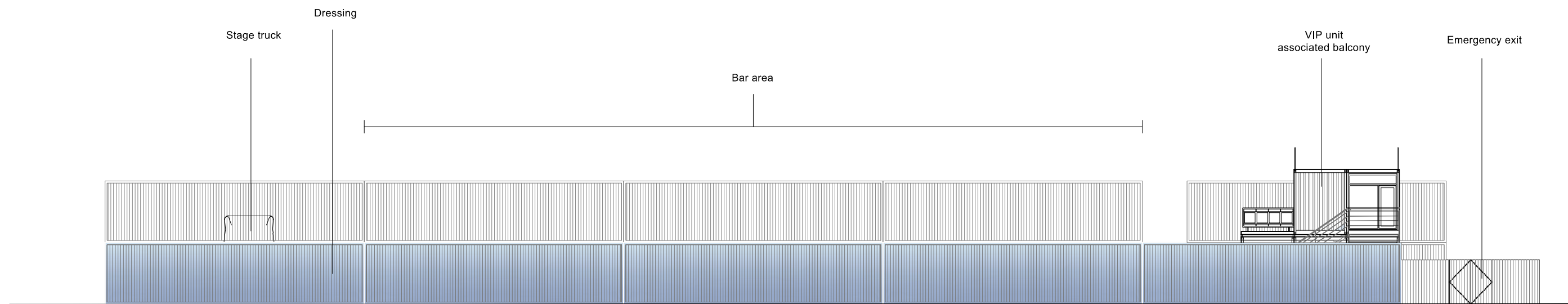
elevation a-a
scale 1:200



elevation b-b
scale 1:200



elevation c-c
scale 1:200



elevation d-d
scale 1:200

Finishes Schedule:
Shipping Containers constructed of Painted Corten Steel.
Openings to be formed in containers at ground floor to facilitate access for proposed purpose group use.

vehicular
access

em rgency
ex

event
access

stage
truck
area

stage

standing

bar

bar

Storage

food

vip

food

dressing

bar

bar

bar

Notes:



Belfast
City Council

LICENSING COMMITTEE

Subject:	Applications for the Variation of an Outdoor Entertainments Licence for Pug Ugly's, 21 Bedford Street.
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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	To consider an application for the variation of a 7-Day Annual Outdoor Entertainments Licence for the hours during which entertainment may be provided at the outdoor space at Pug Uglys (known as the Boneyard) based on the Council's standard conditions to provide outdoor musical entertainment.		
	Area and Location	Ref. No.	Applicant
	Pug Uglys (The Boneyard) Car park to the rear of 29 Bedford Street Belfast BT2 7EJ	WK/202002571	Mr Paul Langsford Bedford Taverns Limited, 21 Bedford Street, Belfast, BT2 7EJ

1.2	A location map is attached as Appendix 1.
2.0	Recommendations
2.1	Taking into account the information presented and any representations received Members are required to consider the application and to: a) Approve the application for the variation of the 7-Day Annual Outdoor Entertainments Licence for permission to provide entertainment to 2.00am from Monday to Saturday and to 1.00am on Sunday as requested, or b) Approve the application for the variation with special conditions, or c) Refuse the application for the variation of the 7-Day Annual Outdoor Entertainments Licence for permission to provide entertainment to 2.00am Monday to Saturday and to 1.00am on Sunday as requested.
2.2	If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided to the later hours until any such appeal is determined.
3.0	Main report
	<u>Key Issues</u>
3.1	The applicant has a current outdoor entertainment licence for the carpark area to the rear of 29 Bedford Street, known as the Boneyard, with a maximum capacity of 800 persons.
3.2	Members are reminded that, at your meeting on 20 August 2020, the Committee agreed to grant the Seven-Day Annual Outdoor Entertainments Licence for Pug Uglys, 21 Bedford Street, thereby permitting entertainment to take place on Monday to Saturday from 12.00 pm to 1.00 am the following morning, and on Sunday from 12.30 pm to midnight.
3.3	The days and hours during which entertainment is proposed to be provided, are: • Monday to Saturday: 11.30am to 2.00am the following morning and • Sunday: 12.30pm to 1.00am the following morning.
3.4	Members are reminded that applications to provide outdoor entertainment beyond 11.00pm are subject to consideration by Committee.
3.5	The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are: • Monday to Saturday: 11.30am to 3.00am the following morning, and • Sunday: 12.30pm to 3.00am the following morning.
3.6	The applicant has stated that the extension of hours to 2.00am would help them to compete with the majority of licensed premises in the vicinity. He highlighted that many patrons, due to Covid 19, prefer to socialise outdoors and this increase in permitted hours would allow those patrons to socialise later into the evening without being disadvantaged.

3.7	A Layout plan of the outdoor area is attached at Appendix 2.
	<u>Representations</u>
3.8	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.
	<u>PSNI</u>
3.9	The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.
3.10	A copy of their correspondence is attached at Appendix 3.
	<u>NIFRS</u>
3.11	The Northern Ireland Fire and Rescue Service have been consulted in relation to the application. At the time of writing this report the Service have not received a response. An update will be provided for Committee at your meeting.
	<u>Health, safety and welfare</u>
3.12	An inspection has been carried out on the premises within the past 12 months and Officers from the Service are satisfied with all safety measures and management procedures.
	<u>Noise</u>
3.13	The applicant has provided the Service with an acoustic report for the outdoor area. This has been provided to the Environmental Protection Unit (EPU) for evaluation.
3.14	There are already special licence conditions regarding noise measures attached to the licence: 1. All entertainment must be provided at the level which has been agreed by the City and Neighbourhood Services Department. This level may be subject to change if noise nuisance occurs. 2. Outdoor area must be managed in accordance with the Noise Management Strategy developed by the applicant's consultant.
3.15	No noise complaints have been received in relation to the premises in the last 12-month period.
3.16	Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives the council additional powers in relation to the control of entertainment noise after 11.00 pm.
	<u>Applicant</u>
3.17	The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.
	<u>Financial & Resource Implications</u>
3.18	None.

3.19	<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 – Location map • Appendix 2 – Layout Plans • Appendix 3 – PSNI Response

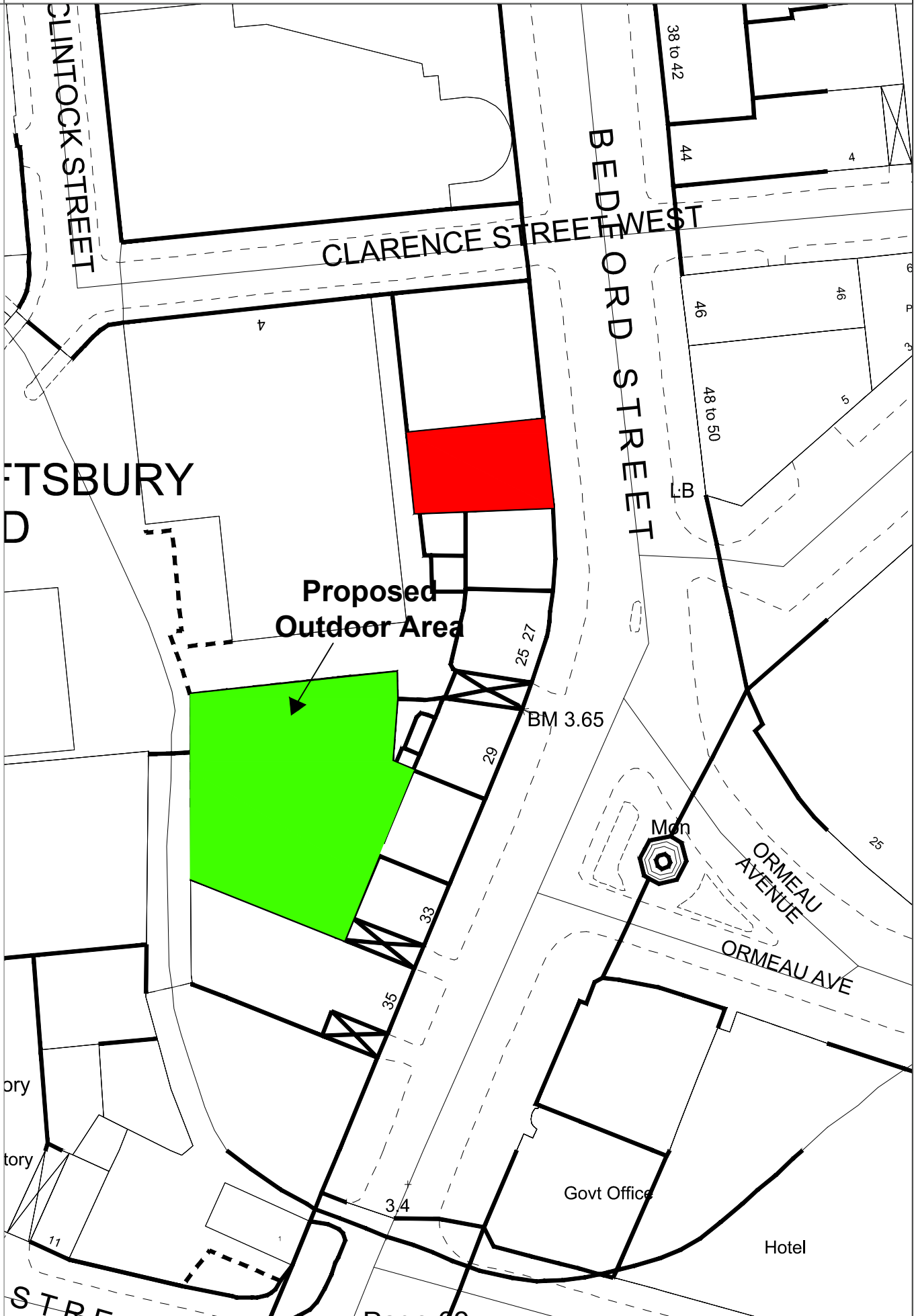


Building Control Service

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.
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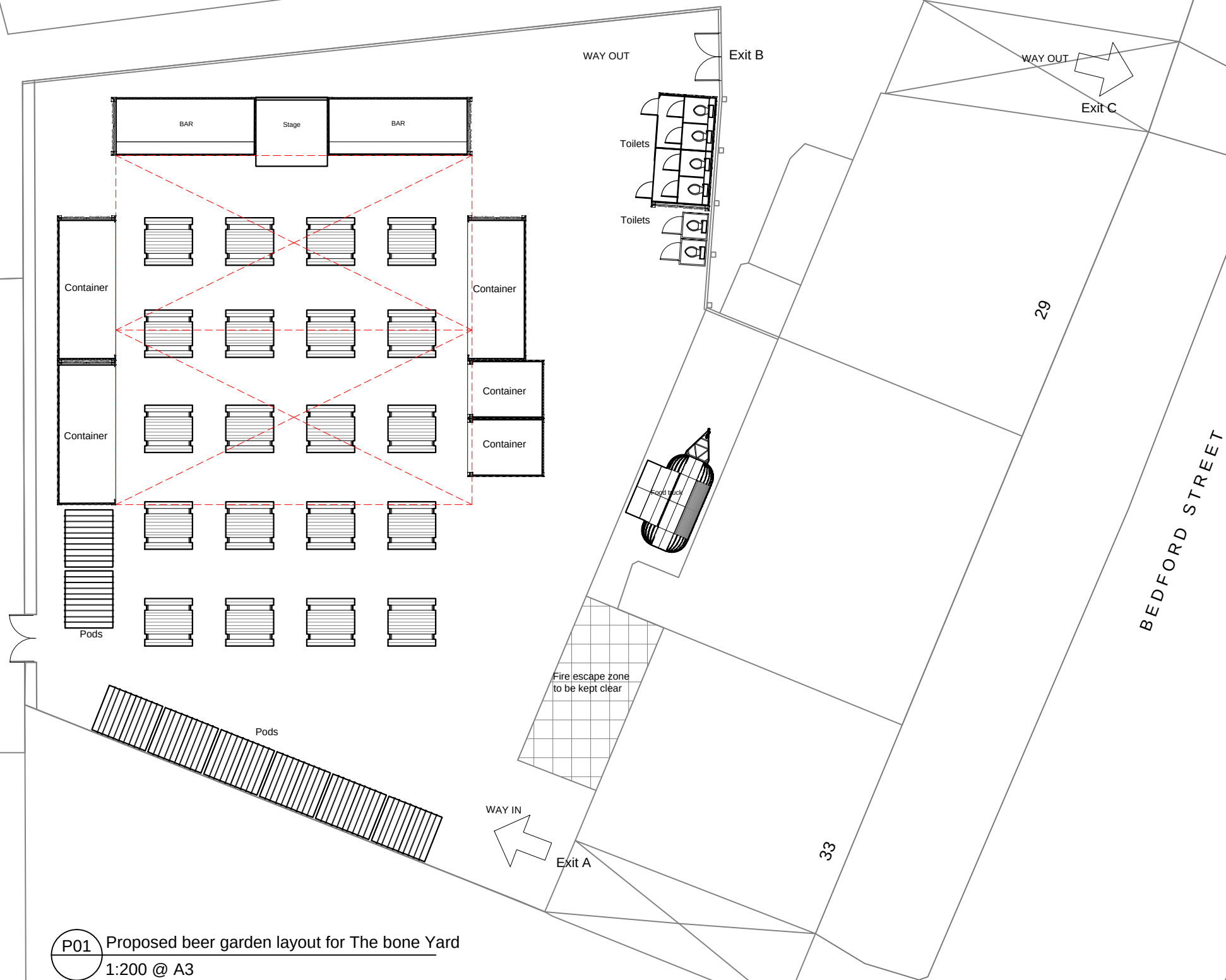
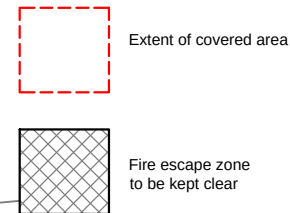
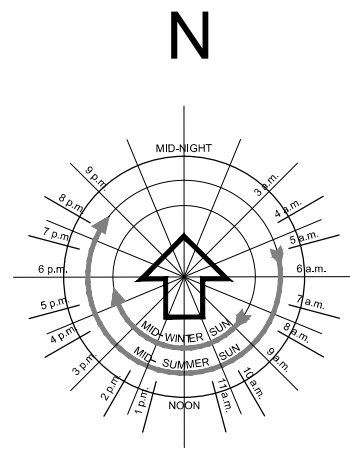


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DATE 10/08/2020

Page 69
Pug Ugly's
21 Bedford Street

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Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

29th March 2022

Dear Quintin

Re The Boneyard variation application change in hours

Please note that there are no current police objections to the above application being further considered by Belfast City council, residents, other local business and NIFRS.

Please confirm that all BCC requirements and conditions have been adhered to. Also that all current COVID – 19 guidance will be considered by the licence holder.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions.

Kind Regards

A handwritten signature in black ink, appearing to read 'Donna Tolan', with a long, sweeping flourish extending to the right.

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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Subject:	Licensing and Registration of Clubs (Amendment) Act (NI) 2021
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager (Ext: 2435)
Contact Officers:	Nora Largey, Divisional Solicitor, Regulatory and Planning (Ext: 6049)

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	To update Members on a three-month trial, where authority was delegated to Council officers, to deal with any Article 44A extension applications for non-City centre locations and to report on pubs and hotels in City centre locations, the operation of Biddy Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours.
2.0	Recommendations
2.1	Given the limited uptake in Article 44A extension applications and Police Service of Northern Ireland authorisations for additional hours Members are asked to consider either: I. Extending the trial period whereby authority is delegated to officers to deal with all such applications in the manner previously agreed for a timeframe to be determined; OR II. Delegating authority to officers to deal with all such applications in the manner previously agreed until such times as there are sufficient applications made and evidence of any issues arising therefrom, if any, are such that would require those matters to be brought back to Committee for further consideration.

2.2	For either option this would be on the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.
2.3	In such instances, these applications would be presented to the Committee for consideration.
3.0	Background
3.1	At your meeting of 19th January, the Committee considered a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 and agreed: i. to delegate authority to Council officers, on a three-month trial basis, to deal with any Article 44A extension applications for non-City centre locations in a similar way to that which had been agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December, 2021, with the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past. In such instances those applications will be presented to the Committee for consideration; ii. that a report on the outcome of the aforementioned trial period be presented to the Committee for consideration; and iii. that the report on pubs and hotels in City centre locations, the operation of Biddy Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours, which was due to be presented to the meeting in February, be submitted at the same time as that relating to non-City centre premises. <u>Summary position following January Committee</u> Biddy Duffy's, 133 Andersonstown Road Horatio Todd's, 406 – 408 Upper Newtownards Road
3.2	The Committee agreed to offer no objection to Article 44A extension applications for Biddy Duffy's and Horatio Todd's up to 13th April 2022 and that each applicant be requested: i. to agree to withdraw all Article 44A extension applications beyond 13th April, to allow officers to provide at the Committee meeting in April an update on any issues which had arisen from the operation of the premises during the 3-month trial period, given that both premises were located in close proximity to residential accommodation; and ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time. <u>Pubs and Hotels – Non-City Centre Locations Generally</u>
3.3	The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between the January meeting and 13th April 2022, officers should deal with them in a similar way as those for Biddy Duffy's and Horatio Todd's, in that each applicant would be requested: i. to agree to withdraw all Article 44A extension applications beyond 13th April, to allow officers to provide at the Committee meeting in April an update on any issues which had arisen from the operation of the premises during the 3-month trial period, given that they were located in close proximity to residential accommodation; and

	ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.
3.4	This was provided that the application did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.
3.5	In such instances, the application would be presented to the Committee for consideration.
3.6	<u>Pubs and Hotels – City Centre Locations</u> The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows: i. to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00am for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.
3.7	It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration. <u>Police Service of Northern Ireland Authorisations for Additional Hours</u>
3.8	The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any: a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence), b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and c. Building Regulation or other Council statutory enforcement issues.
3.9	The report from your meeting of 19th January is appended to this report at Appendix 1.
4.0	Key issues
4.1	<u>Summary of 3-month trial period</u> Biddy Duffy's, 133 Andersonstown Road Horatio Todd's, 406 – 408 Upper Newtownards Road To date neither licensee has availed of the additional hours of operation permitted by their Article 44A applications granted by the Courts. As we understand it both licensees currently

	only intend to use their additional hours for special occasions such as Christmas, Easter or other significant celebrations.
4.2	Given that the premises are close to residential properties the intention of the 3-month trial period was to consider whether the premises operating to the later hours, or any period immediately following their termination, led to undue inconvenience to persons residing in the vicinity.
4.3	There is therefore no evidence to provide for Committee in relation to the impact, if any, of these bars selling alcohol to 2.00am on their local neighbourhood.
	<u>Pubs and Hotels – Non-City Centre Locations Generally</u>
4.4	Since your meeting in January no other Article 44A extension applications for non-City centre locations have been received by the Council.
4.5	There is therefore no evidence to provide for Committee in relation to the impact, if any, of pubs and hotels in other non-city centre locations selling alcohol to 2.00am on their local neighbourhood.
	<u>Pubs and Hotels – City Centre Locations</u>
4.6	The Council has received 22 Article 44A extension applications for City centre pubs and hotels and these have been responded to as outlined in section 3.6 above.
4.7	To date we have not received any noise complaints in relation to any of these venues nor are we aware of any concerns that the PSNI have in relation to these properties.
	<u>Police Service of Northern Ireland Authorisations for Additional Hours</u>
4.8	The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 introduced new, or amended existing, powers for police authorisations for additional hours which, 1. allows pubs which have an Article 44 licence to apply to the PSNI for ad-hoc late opening (11.00pm - 1.00am) up to 20 times per year for a day not covered by the article 44 Order, 2. increases the number of occasions smaller pubs (which are not structurally adapted and therefore unable to apply for an Article 44 licence) can apply for late opening (11.00pm - 1.00am) from 20 to 104 times per year, and 3. increases the number of occasions registered clubs can apply for late opening (11.00pm - 1.00am) from 85 to 104 times per year.
4.9	The applicant must display notice of the application on or near their premises during the three weeks before the first occasion to which the application relates. The Council must also be served with a copy of the Notice three weeks before the first date to which the application relates.
4.10	The Council has not received notification of any applications in relation to the Police Service of Northern Ireland authorisation for additional hours since your meeting last December.
4.11	There is therefore no evidence to provide for Committee in relation to the impact, if any, of any applications to the Police for authorisation for additional hours on local neighbourhoods.

	<u>Conclusions</u>
4.12	Coronavirus has had a significant impact on the licensed trade and it would seem that the introduction of new legislation to permit longer opening hours has not had the widespread uptake that might have been expected.
4.13	As trade in the industry and tourism generally begins to pick up again it is anticipated that there will be greater interest from pubs and hotels in availing of the opportunity to serve alcohol until 2.00am.
4.14	To date the introduction of the new legislation does not appear to have had any impact on the rights of local residents not to be subject to unacceptable disturbance. This situation will be kept under review as the licensed trade recovers from the impact of the pandemic.
	<u>Financial & Resource Implications</u>
5.1	None.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
6.1	None.
7.0	Appendices
	Appendix 1: Minutes of the Licensing Committee of 19 th January 2022.

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Extract of the Licensing Committee Minutes of Wednesday, 19th January, 2022

Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

The Building Control Manager submitted for the Committee's consideration the following report:

"1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider how Article 44A extension liquor licence applications for non-City centre locations for dates in February prior to the Committee meeting on 16th February, and, in particular, St. Valentine's night, are dealt with.**

2.0 Recommendations

- 2.1 The Committee is asked to consider if authority should be delegated to officers to deal with any Article 44A extension applications for non-City centre locations for dates up to and including 16th February 2022, in a similar way to that agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December 2021.**
- 2.2 This would again be on the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.**
- 2.3 In such instances, the application would be presented to the Committee for consideration.**

3.0 Background

- 3.1 At the meeting on 15th December, the Committee considered a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021. The outcome is set out below:**

Pubs and Hotels – City Centre Locations

- 3.2 The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:**
- i. to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for City centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and**
 - ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for City centre venues where they are in possession of an**

entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.

- 3.3 It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.

Pubs and Hotels – Non-City Centre Locations

Biddy Duffy's, 133 Andersonstown Road/

Horatio Todd's, 406 – 408 Upper Newtownards Road

- 3.4 The Committee agreed to offer no objection to Article 44A extension applications for Biddy Duffy's and Horatio Todd's up to 31st January 2022 and that each applicant be requested:
- i. to agree to withdraw all Article 44A extension applications beyond 31st January, to allow officers to provide at the Committee meeting in February an update on any issues which had arisen from the operation of the premises during the month of January, given that both premises were located in close proximity to residential accommodation; and
 - ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

Pubs and Hotels – Non-City Centre Locations Generally

- 3.5 The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between this meeting and 31st January 2022, officers should deal with them in a similar way as those for Biddy Duffy's and Horatio Todd's, as long as they did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.
- 3.6 In such instances, the application would be presented to the Committee for consideration.

Police Service of Northern Ireland

Authorisations for Additional Hours

- 3.7 The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:
- a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence),
 - b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and

c. Building Regulation or other Council statutory enforcement issues.

3.8 The minute from the meeting of 15th December has been circulated.

4.0 Key issues

- 4.1 Members will be aware that new Coronavirus restrictions came into force on 26th December 2021 which, amongst other measures, required nightclubs to close and prohibited dancing in all other licensed premises.
- 4.2 Should these restrictions be lifted prior to the Committee meeting on 16th February, there is a possibility that a number of pubs and hotels in non-City centre locations may wish to apply for an Article 44A order for additional permitted hours to serve alcohol until 2.00 am for St. Valentine's night and/or the weekend nights leading up to it.
- 4.3 As your decision in relation to any Article 44A extension applications for non-City centre locations only covers the period to 31st January 2022, that would preclude officers from making any delegated decision in relation to applications associated with St. Valentine's night or any other application for dates from 1st February to 16th February.
- 4.4 Given the additional impact on the hospitality sector that the latest restrictions have created and the fact that any venues that have applied for extension licences will have had limited opportunity to utilise them to date, the Committee may wish to consider reviewing how any extension applications for dates prior to your meeting on 16th February, and in particular St. Valentine's night, are dealt with.

Financial and Resource Implications

4.5 None.

Equality or Good Relations Implications/ Rural Needs Assessment

4.6 None.”

After discussion, the Committee agreed:

- i. to delegate authority to the Director of Planning and Building Control, on a three-month trial basis, to deal with any Article 44A extension applications for non-City centre locations in a similar way to that which had been agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December, 2021, with the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past. In such instances, those applications will be presented to the Committee for consideration;
- ii. that a report on the outcome of the aforementioned trial period be presented to the Committee for consideration; and

- iii. that the report on pubs and hotels in City centre locations, the operation of Biddu Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours, which was due to be presented to the meeting in February, be submitted at the same time as that relating to non-City centre premises.



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	13 April 2022
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officer:	Vivienne Donnelly, City Protection Manager Kevin Bloomfield, NIHMO Manager

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 following HMO Licences were issued during March 2022.

Premise Name	Licensee	Ward	HMO Policy Area or Development Node
18 Ava Street	Norton Cross Limited	ORMEAU	BALLYNAFEIGH HMO 2/03
Apartment 1, 121 Wellesley Avenue	Mr Denis Currie	WINDSOR	EGLANTINE HMO 2/09
106 Melrose Street	Mrs Pauline McKeague	WINDSOR	EDINBURGH ST HMO 2/08
48 Surrey Street	Mr Richard Smyth	WINDSOR	MEADOWBANK HMO 2/15
31 Sandhurst Drive	Mr Conleth O'Hare	STRANMILLIS	STRANMILLIS HMO 2/19
44 Surrey Street	Mr Richard Smyth	WINDSOR	MEADOWBANK HMO 2/15
7 Edinburgh Street	Mr Patrick Mullin	WINDSOR	EDINBURGH ST HMO 2/08
Flat 1, 33 Malone Avenue	Peel Properties (N.I.) Ltd	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 33 Malone Avenue	Peel Properties (N.I.) Ltd	WINDSOR	EGLANTINE HMO 2/09
140 Dunluce Avenue	Mr John Shane McKeever	WINDSOR	ULSTERVILLE HMO 2/21
6 Sandymount Street	MLC Projects No.50 Limited	STRANMILLIS	SANDYMOUNT HMO 2/17
4 to 6 Ava Avenue	Mr John Patrick Cassidy	ORMEAU	BALLYNAFEIGH HMO 2/03
Flat 1, 79 Fitzroy Avenue	Mrs Barbara Blundell	CENTRAL	HOLYLAND HMO 2/22
59 Chadwick Street	Mr Samuel Hardy	WINDSOR	MEADOWBANK HMO 2/15
34c Edinburgh Street	Mrs Agnes Elizabeth Mulholland	WINDSOR	EDINBURGH ST HMO 2/08
75 Tates Avenue	Peter Donnelly Co Ltd	WINDSOR	EDINBURGH ST HMO 2/08
3 Canterbury Street	Mr Patrick O'Connell	CENTRAL	HOLYLAND HMO 2/22
Flat 3, 21 Cromwell Road	L&E Properties Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 21 Cromwell Road	L&E Properties Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 21 Cromwell Road	L&E Properties Limited	CENTRAL	HOLYLAND HMO 2/22
29 Ashley Avenue	Mr Geoffrey Marshall	WINDSOR	ULSTERVILLE HMO 2/21
73 Edinburgh Street	Mr Henry McIlveen	WINDSOR	EDINBURGH ST HMO 2/08
34b Edinburgh Street	Mr Brian Bogue	WINDSOR	EDINBURGH ST HMO 2/08

	10 Chadwick Street	Dr Paul Tumelty	WINDSOR	MEADOWBANK HMO 2/15
	1 Abercorn Street	Mr Joseph Erskine Holmes	WINDSOR	FITZWILLIAM HMO 2/10
	119 Dunluce Avenue	TJHFT Limited	WINDSOR	ULSTERVILLE HMO 2/21
	8 Ava Avenue	Mr John Patrick Cassidy	ORMEAU	BALLYNAFEIGH HMO 2/03
	137 Ulsterville Avenue	Mr Richard Wait	WINDSOR	ULSTERVILLE HMO 2/21
	151 University Street	Queens Quarter Housing Limited	CENTRAL	HOLYLAND HMO 2/22
	8 University Avenue	Mr Frank McElroy	CENTRAL	HOLYLAND HMO 2/22
	2 Meadowbank Street	Mrs Agnes Elizabeth Mulholland	WINDSOR	MEADOWBANK HMO 2/15
	Flat 2, 27 Wolseley Street	Kendale Limited	CENTRAL	HOLYLAND HMO 2/22
	5 Ireton Street	Ms Julie Thompson	CENTRAL	HOLYLAND HMO 2/22
	39 Rathdrum Street	Miss Anna Shearer	WINDSOR	ADELAIDE HMO 2/01
	8 Riverview Street	Mrs Jan Hall	STRANMILLIS	STRANMILLIS HMO 2/19
<u>Financial & Resource Implications</u>				
3.2	None			
<u>Equality or Good Relations Implications/Rural Needs Assessment</u>				
3.3	There are no issues associated with this report.			

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Subject:	Applications for a New Licence to operate a House of Multiple Occupation for 13 Fitzroy Avenue, Belfast. BT7 1HS
Date:	13 April 2022
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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 consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	13 Fitzroy Avenue, Belfast, BT7 1HS	8836	Mr Jack Kennedy	Property People Belfast Ltd T/A Property People
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<u>Background</u>			
1.3	The property was previously licensed as an HMO in the name of the previous owner who sold the property on the 4 August 2021 at which time the licence in accordance with Section 28 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ceased to have effect.			
1.4	On the 15 October 2021 an HMO licence application was received from the owners of the accommodation. As this was a new application the HMO Unit consulted with the Council’s Planning Service who on the 15 October 2021 confirmed that a Certificate			

	of Lawful Use or Development was granted with the planning reference LA04/2021/1732/LDE
1.5	Following the publication of this application, an objection was received in relation to the application. The objection raises concerns regarding overprovision of HMOs in the locality.
1.6	On the 15 October 2021 the applicant submitted an application for a Temporary Exemption Notice “TEN” and following clarification from the managing agent the TEN was granted on the 20 October 2021.
2.0	Recommendations
2.1	Taking into account the information presented Committee is asked to hear from the applicant and the objector and make a decision to either: (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
3.0	Main report
	<u>Key Issues</u>
3.1	Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that: a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
	<u>Planning</u>
3.2	As this is a new application the HMO Unit consulted with the Council’s Planning Service who on the 15 October 2021 confirmed that a Certificate of Lawful Use or Development was granted with the planning reference LA04/2021/1732/LDE
	<u>Fitness</u>
3.3	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant

	law. It also permits the Council to take into account any other matter which the council considers to be relevant. The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department – (a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
3.4	The Applicants and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.5	The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.
3.6	Officers are not aware of any other issues relevant to the Applicant's fitness.
	<u>Overprovision</u>
3.7	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby” as defined in the document “Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.8	Legal Services has advised that there is a clear requirement in Section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.9	On the date of assessment, 14 February 2022 there were a total of 1100 licensed HMOs in HMO policy area “HMO 2/22 Botanic, Holylands, Rugby” which equates to just over 45% of the total dwelling units, which in turn exceeds the 30% development

	limit as set out at Policy HMO 1. The 1100 licensed HMOs have a capacity of 5022 persons.
3.10	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.11	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.12	The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO, subject to the TEN issued on 20 th October 2021 was has been further extended until 26 April 2022.
3.13	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
3.14	The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.15	In September 2017 The Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."
3.16	On 2 March 2022 there were 27 licensed HMOs advertised for let on the website Property News in BT7, from the information provided on the website this represented 92 bed spaces, although most of the accommodation is not available for immediate occupancy.
3.17	Anecdotal evidence from conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in the locality. It is officers' view that it is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
	<u>Objections</u>
3.18	One valid objection has been received in relation to this application on the grounds of over provision of HMOs in the local area. (Appendix 3)

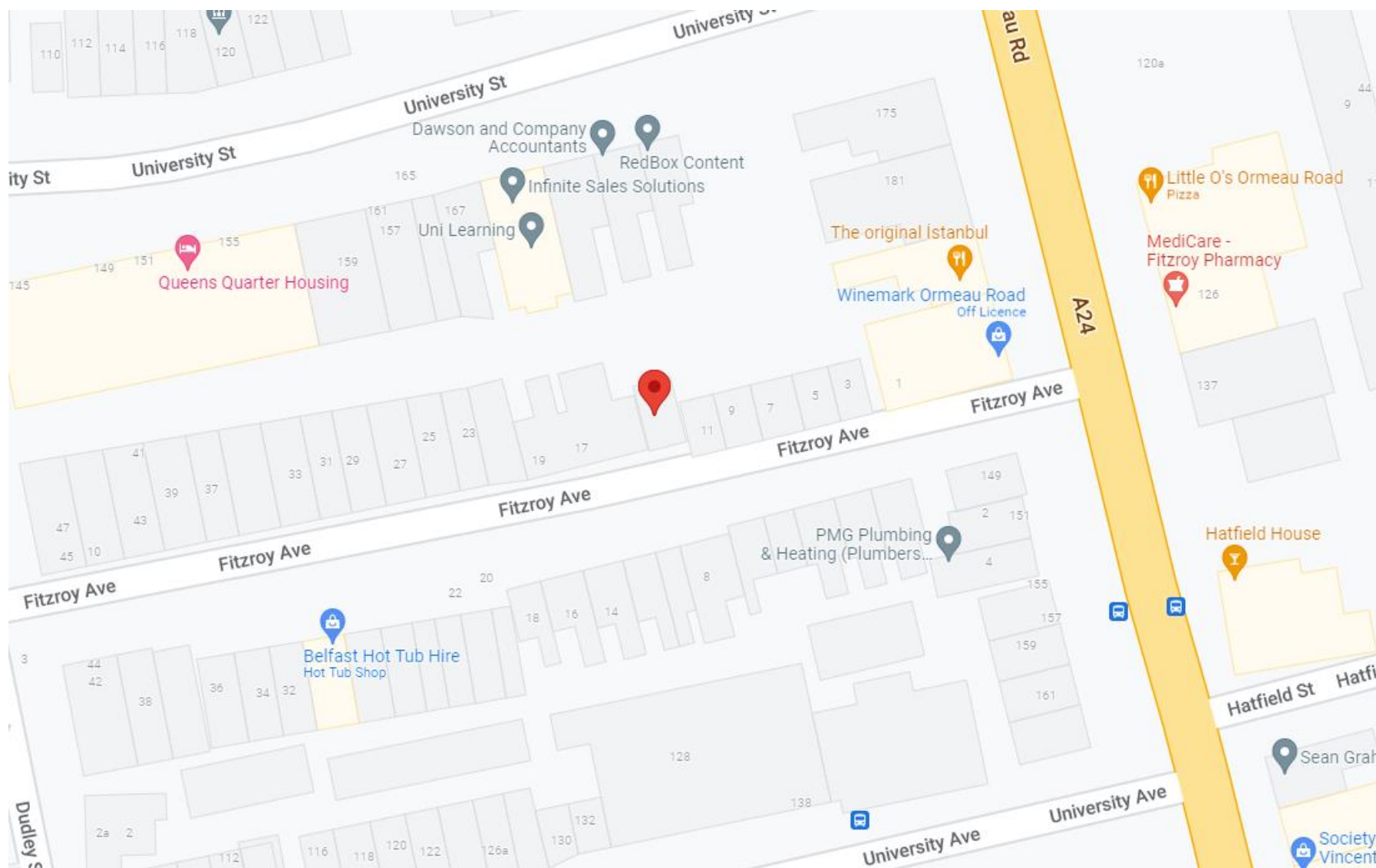
	<u>Attendance</u> 3.19 The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting. The objector will also be in attendance if members want to hear from them. <u>Suitability of the premises</u> 3.20 An inspection of the premises was carried out by Officers from the Service on 17 December 2022 at which time it was established that an emergency escape window was required to the first floor of the property. <u>Notice of proposed decision</u> 3.21 On the 3 March 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a notice of proposed decision to the applicant setting out the terms of the proposed licence. (Appendix 4) 3.22 The notice of proposed decision stated that the council proposed to refuse the licence as the council is not satisfied that the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated. 3.23 A statement of reasons for the proposal was included in the notice of proposed decision. <u>Statement of reasons for the proposed decision</u> 3.24 Overprovision: In accordance with Section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 “2016 Act” the Council is satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation, for the purpose of section 8(2)(d) of the 2016 Act. For the purpose of Section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation as being HMO Policy Area “HMO 2/22 Botanic, Holylands, Rugby” as defined in the document “Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (the “2015 Plan”) In making this decision the Council has had regard to: (a) the number and capacity of licensed HMOs in the locality (b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need To inform the Council in its consideration of the above provisions, the Council has taken account of the 2015 Plan and in particular, Policy HMO 1 and Policy HMO 2. The total number of dwelling units in a Policy Area is measured by Ordnance Survey’s Pointer database.
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	Regarding Section 12(2)(a) the number and capacity of licensed HMOs in the locality. On the date of assessment, 14 February 2022 there were a total of 1100 licensed HMOs in HMO policy area “HMO 2/22 Botanic, Holylands, Rugby” which equates to just over 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1100 licensed HMOs have a capacity of 5022 persons. Regarding Section 12(2)(b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need. A survey of 50 properties advertised on the website Property News in the postcode area BT7 which includes policy area HMO 2/22 was undertaken on 2 March 2022. This determined available accommodation was advertised in 27 licensed HMOs. From the information provided on the website this represented up to 92 bed spaces, although most of the accommodation is not available for immediate occupancy. Anecdotal evidence from previous conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in this locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue. Officers cannot be satisfied that the granting of the HMO licence will not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act. <u>Applicant’s response to the notice of proposed decision</u>
3.27	On the 16 March 2022 the applicant submitted a written response to the notice of proposed decision in which he provides representations and commentary on the statement of reasons included in the notice of proposed decision.
3.28	Additionally, the applicant provides commentary on the subject premises, his capacity as a fit and proper person and the objection received.
	<u>Financial and Resource Implications</u>
3.29	None. The cost of assessing the application and officer inspections are provided for within existing budgets.
	<u>Equality and Good Relations Implications</u>
3.30	There are no equality or good relations issues associated with this report.
	Appendices – Documents Attached
	Appendix 1 – Location Map

	• Appendix 2 – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby” • Appendix 3 – Objection • Appendix 4 – Notice of proposed decision • Appendix 5 – Applicant’s response to the notice of proposed decision.
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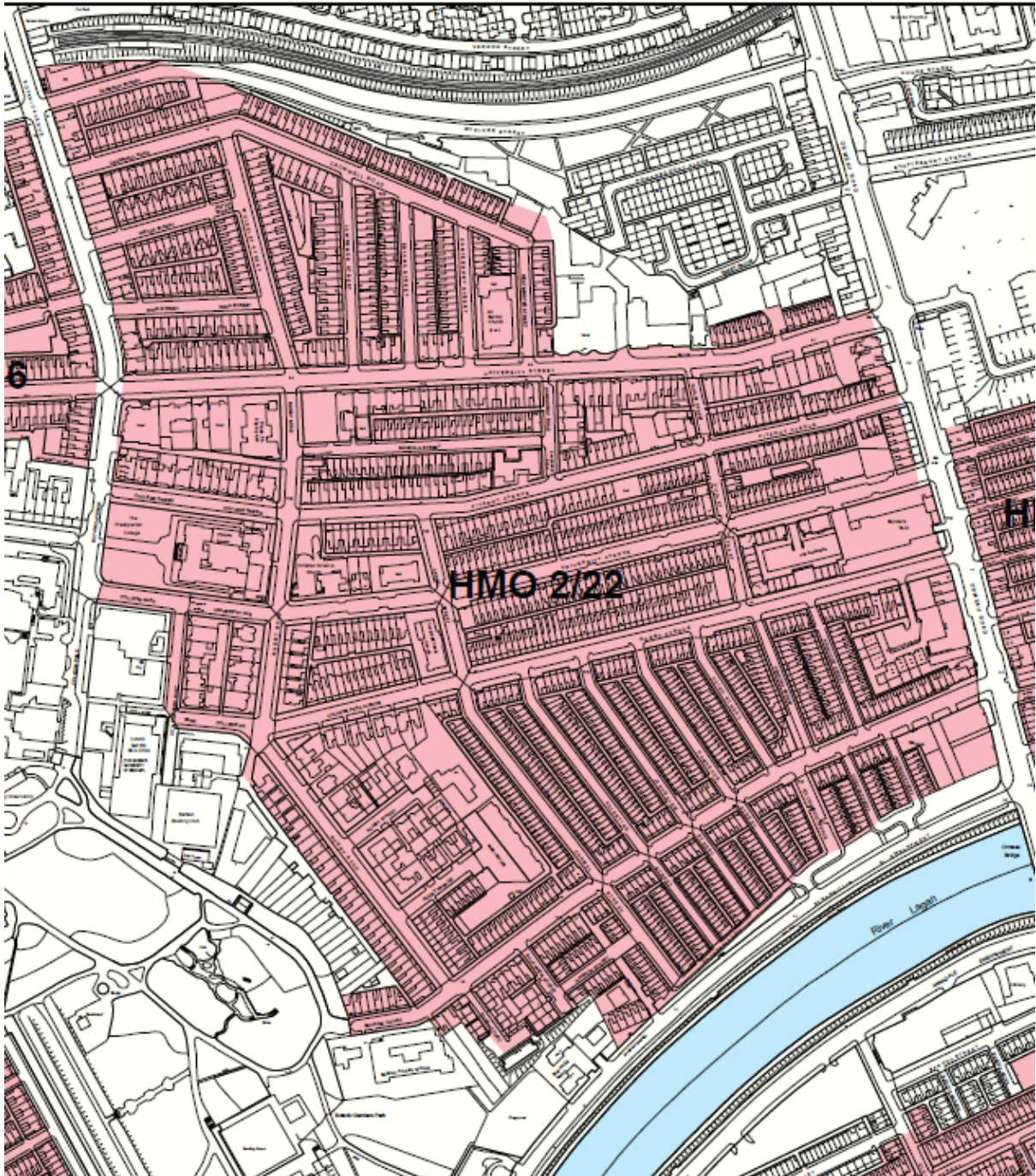
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Appendix 1 – Location Map – 13 Fitzroy Avenue, Belfast. BT7 1HS



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Appendix 2 - HMO 2/22 Botanic, Holylands and Rugby



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of the Local Government Act (Northern Ireland) 2014.

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Subject:	Continuation of reduced fees for entertainments licences
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext: 2435
Contact Officer:	Laura Hillis, Principal Control Surveyor, Ext: 2469

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	To inform the Committee of the decision by the Department for Communities (DfC) to continue the reduced fee of £1 for applications for the renewal of entertainments licences for the 2022/23 financial year.
2.0	Recommendations
2.1	Members are asked to note the decision of the Minister for Communities (DfC) that the nominal fee of £1 for renewal applications only, for all categories of entertainments licence, will remain for the 2022/2023 financial year, subject to a further review later this year.

3.0	Background
3.1	In February 2021 the DfC determined that a reduced fee of £1 would apply to applications for the renewal of all categories of entertainments licence, both indoor and outdoor, received on or after 6 April 2021.
3.2	This reduction applied for the duration of the 2021/2022 financial year and was introduced to alleviate hardship being experienced by the hospitality industry because of COVID-19 restrictions.
3.3	In January 2022 the DfC asked for the Council's views on whether there was a need to extend this measure beyond the 2021/2022 financial year, or if the fees should revert to their pre-April 2021 levels with effect from April 2022.
3.4	Members will recall that, at their meeting of 16 February 2022, the Committee agreed to recommend to the DfC that the reduced fee of £1 for applications for the renewal of Entertainments Licences should continue for the 2022/23 financial year.
4.0	Key issues
4.1	On 23 March 2022 the Council received a letter from the DfC, informing the Council that: - Views received were mixed, but the majority of councils favoured extending the reduction on condition that the Department provided additional funding to cover the resulting loss of income. - That having considered the Councils' views and given that the Health Minister has only very recently lifted all remaining COVID-19 restrictions on hospitality venues, meaning businesses have still some way to go to get back to normal operation, the Minister has decided to continue with this easement for a further year. - The nominal fee of £1 for renewal applications only, for all categories of entertainments licence will therefore remain as set out in Local Government Circular 4/2021 for the 2022/2023 financial year, subject to a further review later this year. - The DfC recognised that the continuation of this measure will result in further loss of income for councils during the year to come. - Additional funding of some £17m provided by the Executive for council losses incurred as a result of the COVID-19 pandemic is to be allocated to local councils by the DfC. This funding includes provision to cover any loss of income resulting from the reduction in fees for the renewal of entertainment licences for 2022/23.
4.2	The letter from the DfC is appended to this report at Appendix 1.
	<u>Financial & Resource Implications</u>
5.1	Planned income for 2022/23 is based on our pre-covid estimate for entertainments licensing income of £195,940.
5.2	Given the uncertainty around the sustainability of many hospitality venues due to the impact of Covid it is very difficult to predict renewal fees income for 2022/2023.

5.3	However, if we make the assumption that all the applications we have received or are due to receive this year are renewed again next year and are subject to the £1 renewal fee it is estimated the Council will lose income in the region of £180,000.
5.4	The Council have secured funding from the Department for Communities to cover Covid recovery costs for 2022/23 which can be used to make up for any loss of income that extending the concessionary fee for a further year would create.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
6.1	None.
7.0	Appendices – Documents Attached
	• Appendix 1: Letter from DfC

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Chief Executive of District Council

Local Government & Housing
Regulation Division
Social Policy Unit
Level 10, Causeway Exchange
1-7 Bedford Street
Belfast BT2 7EG

Tel: (028) 90 823140

Email: social.policy@communities-ni.gov.uk

23 March 2022

Dear Chief Executive

REVIEW OF REDUCED FEES FOR ENTERTAINMENTS LICENCES

As you know with effect from 6 April 2021 the Minister for Communities introduced a nominal fee of £1 for renewal applications only, for all categories of entertainments licence to alleviate the hardship being experienced by the hospitality industry as a result of COVID-19 restrictions, the reduction to remain in place for the duration of the 2021/2022 financial year.

In January this year we sought councils' views on whether or not there was a need to extend this easement beyond the end of the 2021/2022 financial year. Views received were mixed but the majority of councils favoured extending the reduction on condition that the Department provided additional funding to cover the resulting loss of income.

Having considered the councils' views, and given that the Health Minister has only very recently lifted all remaining COVID-19 restrictions on hospitality venues, meaning businesses have still some way to go to get back to normal operation, the Minister has decided to continue with this easement for a further year.

The nominal fee of £1 for renewal applications only, for all categories of entertainments licence will therefore remain as set out in Local Government Circular 4/2021 for the 2022/2023 financial year, subject to a further review later this year.

The continuation of this measure will result in further loss of income for councils during the year to come. However, additional funding of some £17m provided by the Executive for council losses incurred as a result of the COVID-19 pandemic is to be allocated to local councils by this Department as announced by the Minister today. This funding includes provision to cover any loss of income resulting from the reduction in fees for the renewal of entertainment licences for 2022/23.

Yours sincerely

Liam Quinn

Assistant Director of Local Government and Planning Regulation

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