

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



**Belfast**  
City Council

19<sup>th</sup> August, 2025

## **MEETING OF THE LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall and remotely via Teams on Wednesday, 20th August, 2025 at 5.15 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) Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority (Pages 1 - 6)
- (b) Licences Issued Under Delegated Authority (Pages 7 - 12)
- (c) Final Decision on Application for the Provisional Grant of an Amusement Permit for Players, 22 - 23 Shaftesbury Square (Pages 13 - 78)

- (d) Final decision on competing Stationary Street Trading Licence applications for Boucher Crescent at lamp post number 16, for which appeal received (Pages 79 - 110)
- (e) Final decision on competing Stationary Street Trading Licence applications for Duncrue Link 50ft from the junction with Duncrue Road, for which appeal received (Pages 111 - 144)
- (f) Applications for the Grant of Indoor and Outdoor Entertainments Licences for Liquid, 10-14 Tomb Street (Pages 145 - 156)

3. **Non-Delegated Matters**

- (a) Clarification on Competing Street Trading Licence Applications (Pages 157 - 166)

4. **Decision taken under Delegated Authority**

- (a) Cinema Licensing - Showing of Unclassified film "The Negotiator" (Pages 167 - 198)

5. **Restricted Item**

- (a) Update regarding legal proceedings concerning a decision of the Licensing Committee to refuse an application for new HMO licences for Flats 1 and 2, 6 Sandhurst Road (Pages 199 - 250)



<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	20 August 2025
<b>Reporting Officer:</b>	Caroline Naylor, NIHMO Assistant Manager
<b>Contact Officers:</b>	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	<b>Purpose of Report or Summary of main Issues</b>
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	<b>Recommendations</b>
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation during June and July 2025.

3.0	<b>Main report</b>																																																																																																																	
	<b><u>Key Issues</u></b>																																																																																																																	
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	<table> <tr> <th>Premise Name</th><th>Licensee</th><th>Ward</th><th>Housing Management Areas (HMAs)</th><th>Licence type</th></tr> <tr> <td>Flat 3, 71 Malone Avenue</td><td>Mr James Cunningham</td><td>WINDSOR</td><td>EGLANTINE HMA 2/09</td><td>Renewal Application</td></tr> <tr> <td>Flat 2, 71 Malone Avenue</td><td>Mr James Cunningham</td><td>WINDSOR</td><td>EGLANTINE HMA 2/09</td><td>Renewal Application</td></tr> <tr> <td>117 Melrose Street</td><td>Mr William George Conn</td><td>WINDSOR</td><td>EDINBURGH ST HMA 2/08</td><td>Renewal Application</td></tr> <tr> <td>15 St Albans Gardens</td><td>Mr Paul McKeever</td><td>STRANMILLIS</td><td>SANDYMOUNT HMA 2/17</td><td>Renewal Application</td></tr> <tr> <td>21 Ulsterville Gardens</td><td>Mr Rodney Woods</td><td>WINDSOR</td><td>ULSTERVILLE HMA 2/21</td><td>Renewal Application</td></tr> <tr> <td>14 St Ives Gardens</td><td>Mr Neil Conlon</td><td>STRANMILLIS</td><td>SANDYMOUNT HMA 2/17</td><td>Renewal Application</td></tr> <tr> <td>62 Fitzroy Avenue</td><td>Mr Christopher Og McCann</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>22 Cairo Street</td><td>Mr Dermot Murtagh</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>24 Mount Prospect Park</td><td>Mrs Jillian McGrath</td><td>WINDSOR</td><td>ULSTERVILLE HMA 2/21</td><td>Renewal Application</td></tr> <tr> <td>Flat 3, 21 India Street</td><td>Mr Shaun Henderson</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>Flat 2, 21 India Street</td><td>Mr Shaun Henderson</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>505a Falls Road</td><td>Mr Terence Maguire</td><td>BEECHMOUNT</td><td>NONE</td><td>Renewal Application</td></tr> <tr> <td>Apartment 1 78 Fitzroy Avenue</td><td>Mr Cathal McKeown</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>77 Agincourt Avenue</td><td>Mr Aidan McAllister</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>Flat D, 9 Ireton Street</td><td>Mr Anthony Curry</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>14a Chlorine Gardens</td><td>Mr Mark Michael McGarry</td><td>CENTRAL</td><td>NONE</td><td>Renewal Application</td></tr> <tr> <td>Flat C , 9 Ireton Street</td><td>Mr Anthony Curry</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>Apartment 2, 28 Stranmillis Gardens</td><td>Mr William Hamilton</td><td>CENTRAL</td><td>STRANMILLIS HMA 2/19</td><td>Renewal Application</td></tr> <tr> <td>213a Lisburn Road</td><td>Mr Cathal Diamond</td><td>WINDSOR</td><td>EDINBURGH ST HMA 2/08</td><td>Renewal Application</td></tr> <tr> <td>Flat 2, 11 Lawrence Street</td><td>Miss Ann Byrne</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> <tr> <td>26 Cromwell Road</td><td>SOBE DEVELOPMENTS LIMITED</td><td>CENTRAL</td><td>HOLYLAND HMA 2/22</td><td>Renewal Application</td></tr> </table>	Premise Name	Licensee	Ward	Housing Management Areas (HMAs)	Licence type	Flat 3, 71 Malone Avenue	Mr James Cunningham	WINDSOR	EGLANTINE HMA 2/09	Renewal Application	Flat 2, 71 Malone Avenue	Mr James Cunningham	WINDSOR	EGLANTINE HMA 2/09	Renewal Application	117 Melrose Street	Mr William George Conn	WINDSOR	EDINBURGH ST HMA 2/08	Renewal Application	15 St Albans Gardens	Mr Paul McKeever	STRANMILLIS	SANDYMOUNT HMA 2/17	Renewal Application	21 Ulsterville Gardens	Mr Rodney Woods	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application	14 St Ives Gardens	Mr Neil Conlon	STRANMILLIS	SANDYMOUNT HMA 2/17	Renewal Application	62 Fitzroy Avenue	Mr Christopher Og McCann	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	22 Cairo Street	Mr Dermot Murtagh	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	24 Mount Prospect Park	Mrs Jillian McGrath	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application	Flat 3, 21 India Street	Mr Shaun Henderson	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	Flat 2, 21 India Street	Mr Shaun Henderson	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	505a Falls Road	Mr Terence Maguire	BEECHMOUNT	NONE	Renewal Application	Apartment 1 78 Fitzroy Avenue	Mr Cathal McKeown	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	77 Agincourt Avenue	Mr Aidan McAllister	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	Flat D, 9 Ireton Street	Mr Anthony Curry	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	14a Chlorine Gardens	Mr Mark Michael McGarry	CENTRAL	NONE	Renewal Application	Flat C , 9 Ireton Street	Mr Anthony Curry	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	Apartment 2, 28 Stranmillis Gardens	Mr William Hamilton	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application	213a Lisburn Road	Mr Cathal Diamond	WINDSOR	EDINBURGH ST HMA 2/08	Renewal Application	Flat 2, 11 Lawrence Street	Miss Ann Byrne	CENTRAL	HOLYLAND HMA 2/22	Renewal Application	26 Cromwell Road	SOBE DEVELOPMENTS LIMITED	CENTRAL	HOLYLAND HMA 2/22	Renewal Application			
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	242 Beersbridge Road	Mr Chris Clarke	BEERSBRIDGE	NONE	New Application
	38 Donnybrook Street	Mr Richard Bruce	WINDSOR	EDINBURGH ST HMA 2/08	Renewal Application
	41 Donegall Pass	Mr Jonathan Taylor	CENTRAL	NONE	Renewal Application
	10 Hatfield Street	Mr William Heffernan	CENTRAL	LOWER ORMEAU HMA 2/13	Renewal Application
	20 Windsor Road	Mr Christopher Blayney	WINDSOR	MEADOWBANK HMA 2/15	Renewal Application
	4 Wellington Park Avenue	Mrs Helen Blane	WINDSOR	EGLANTINE HMA 2/09	Renewal Application
	71 University Avenue	Mr John McBride	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	25 Wolseley Street	KENDALE LIMITED	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	32 Sandymount Street	Mr Gerard Woods	STRANMILLIS	SANDYMOUNT HMA 2/17	Renewal Application
	28 Eblana Street	Ms Patricia Hamilton	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	2 Jerusalem Street	DOLAN RETAIL LTD	CENTRAL	HOLYLAND HMA 2/22	New Application
	136 Dunluce Avenue	Mr Keith McVitty	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	124 Agincourt Avenue	MCK PROPERTY MANAGEMENT LIMITED	CENTRAL	HOLYLAND HMA 2/22	New Application
	122 Agincourt Avenue	MCK PROPERTY MANAGEMENT LIMITED	CENTRAL	HOLYLAND HMA 2/22	New Application
	29 St Aubyn Street	KINGSMERE INVESTMENTS LIMITED	DUNCAIRN	NONE	New Application
	50 Sandymount Street	Mr Michael McAlary	STRANMILLIS	SANDYMOUNT HMA 2/17	Renewal Application
	16 Dunluce Avenue	Mr Eddie Fung	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	7 Landseer Street	Mr Stephen McAreavey	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	87a Great Northern Street	Mr Garnet Mullan	WINDSOR	MEADOWBANK HMA 2/15	Renewal Application
	10 Elaine Street	Stranmillis Investments Limited	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	33 Landseer Street	Stranmillis Investments Limited	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	31 Landseer Street	Stranmillis Investments Limited	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	17 Landseer Street	Stranmillis Investments Limited	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application

	5 Landseer Street	Stranmillis Investments Limited	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	14 Stranmillis Gardens	Mr Thomas French	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	Apartment 2, 10 Dunluce Avenue	Mr Andrew David McCaughey	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	51 Lisburn Avenue	David McCaughey Dental Practice Limited	WINDSOR	ADELAIDE HMA 2/01	Renewal Application
	9 Rathdrum Street	Mr Patrick Hamill	WINDSOR	ADELAIDE HMA 2/01	Renewal Application
	81 Haypark Avenue	Mr Aidan Carey	ORMEAU	BALLYNAFEIGH HMA 2/03	Renewal Application
	Flat 3, 58 University Street	TJHFT LIMITED	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	47 Agincourt Avenue	TJHFT LIMITED	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	39 Colenso Parade	JOMAKAT LTD	CENTRAL	STRANMILLIS HMA 2/19	New Application
	1a Lomond Avenue	Hamilton & Casement Group Ltd	CONNSWATER	NONE	New Application
	Flat 3, 31 Ashley Avenue	Mr Patrick Crockart	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	Flat 2, 31 Ashley Avenue	Mr Patrick Crockart	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	48 Fane Street	Ms Angela Wai Kan Lee	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	185 Templemore Avenue	Mr Celestino Mendez Ares	BEERSBRIDGE	NONE	New Application
	13b Cameron Street	Seaforth Property Development Company Ltd	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	5a Cameron Street	Seaforth Property Development Company Ltd	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	40 Mount Prospect Park	Mr Tony Nicholas	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	20 Eblana Street	Mr Thomas Donnelly	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	20 Elaine Street	Mrs Maureen O'Brien	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	5b Cameron Street	Seaforth Property Development Company Ltd	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
	116 Dunluce Avenue	Mr Dermot Doran	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
	76 Bloomfield Avenue	Ms Laura Golden	BLOOMFIELD	NONE	New Application
	29 Stranmillis Park	Mrs Jan Crawford	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
	209 New Lodge Road	KINGSMERE INVESTMENTS LIMITED	NEW LODGE	NONE	New Application

74 Alexandra Park Avenue	KINGSMERE INVESTMENTS LIMITED	DUNCAIRN	NONE	New Application
21 Wolseley Street	KENDALE LIMITED	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
28 Glendower Street	Mr Paul Kennedy	RAVENHILL	NONE	New Application
17 Penrose Street	Mrs Anna O'Hare	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
2 Sandhurst Road	Go CGC Property Ltd	CENTRAL	HOLYLAND HMA 2/22	New Application
32 Eblana Street	JMC RENTALS LIMITED	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
19 Ulsterville Gardens	Mrs Patricia Mary Rice	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
Apartment C, 64 Fitzroy Avenue	Mr Christopher McCann	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
Apartment A, 64 Fitzroy Avenue	Mr Christopher McCann	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
115 University Avenue	Mr Stephen Calvert	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
Apartment B, 64 Fitzroy Avenue	Mr Christopher McCann	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
Apartment C, 66 Fitzroy Avenue	Mr Christopher McCann	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
Apartment B, 66 Fitzroy Avenue	Mr Christopher McCann	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
Apartment A, 66 Fitzroy Avenue	Mr Christopher McCann	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
3 College Place North	Mrs Geraldine McCrossan	FALLS	NONE	Renewal Application
20 Landseer Street	Mrs Fiona McCoy	CENTRAL	STRANMILLIS HMA 2/19	Renewal Application
79 Palestine Street	The Christopher Kift Trust	CENTRAL	HOLYLAND HMA 2/22	New Application
Apartment 2, 100 Fitzroy Avenue	SOBE Developments Limited	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
31 Fitzwilliam Square	Ms Elaine George	CENTRAL	HOLYLAND HMA 2/22	Renewal Application
7 Eblana Street	Beau Diddly Investments Ltd	CENTRAL	HOLYLAND HMA 2/22	New Application
169 Dunluce Avenue	Mrs Kathleen Greenan	WINDSOR	ULSTERVILLE HMA 2/21	Renewal Application
4 Stephen Street	MONAGHAN PROPERTIES LTD	NEW LODGE	NONE	New Application

#### **Financial & Resource Implications**

None

#### **Equality or Good Relations Implications/Rural Needs Assessment**

There are no issues associated with this report.

3.2	
3.3	



<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	20 August 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control, ext. 2300
<b>Contact Officer:</b>	Laura Hillis, Principal Building Control Surveyor, Ext. 2469

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

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

Insert number

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

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.																																							
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3.1	<p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.</p> <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Ben Madigan's Bar and Kitchen, 169-175 Cavehill Road, Belfast, BT15 5BP</td><td>Renewal - 7 Day Annual</td><td>Kelvin Collins, Ben Madigan's Bar And Kitchen Ltd</td></tr><tr><td>Char and Mash, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ</td><td>Grant - 7 Day Annual</td><td>Kieran Mc Guigan, Mcguiginns Ltd</td></tr><tr><td>Deanes At Queens, 1-6 College Gardens, Belfast, BT9 6BQ</td><td>Renewal - 7 Day Annual</td><td>Michael Deane, Deanes Restaurant Group</td></tr><tr><td>Granny Annie's Kitchen, 81-85 Chichester Street, Belfast, BT1 4JE</td><td>Renewal - 7 Day Annual</td><td>Endless Music Limited</td></tr><tr><td>Haymarket, Unit 9, The Haymarket, 84, Royal Avenue, Belfast, BT1 1DJ</td><td>Renewal &amp; Variation - 7 Day Annual</td><td>Gareth Murphy, Coobet Trading Ltd</td></tr><tr><td>Hole In The Wall Bar, 1-3 Baltic Avenue, Belfast, BT15 2HR</td><td>Renewal - 7 Day Annual</td><td>Tiarnan Mc Nicholl, Hitw Limited</td></tr><tr><td>Linen Hall Library, 17 Donegall Square North, Belfast, BT1 5GB</td><td>Renewal - Occasional 14 Day Unspecified</td><td>Julie Andrews, Linen Hall Library</td></tr><tr><td>Margot, 18 Donegall Square East, Belfast, BT1 5HD</td><td>Variation - 7 Day Annual</td><td>Paul Langsford, Clover Pubs Ni No.1 Limited</td></tr><tr><td>Ormeau Park, Ormeau Road, Belfast, BT7 3GG</td><td>Renewal - Occasional 14 Day Unspecified</td><td>Stephen Leonard, Bcc City And Neighbourhoods Department</td></tr><tr><td>Seatons of Sailortown, 57 Dock Street, Belfast</td><td>Transfer - 7 Day Annual</td><td>Kelvin Collins, Gricol Pubs Ltd</td></tr><tr><td>The Great Eastern Bar, 273 Newtownards Road, Belfast, BT4 1AF</td><td>Renewal - 7 Day Annual</td><td>Stephen Townsley</td></tr><tr><td>The Honey Club, 739 Antrim Road, Belfast, BT15 4EL</td><td>Renewal - 7 Day Annual</td><td>Patrick McCormack, Charioteer Ltd</td></tr></table>	Premises and Location	Type of Application	Applicant	Ben Madigan's Bar and Kitchen, 169-175 Cavehill Road, Belfast, BT15 5BP	Renewal - 7 Day Annual	Kelvin Collins, Ben Madigan's Bar And Kitchen Ltd	Char and Mash, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ	Grant - 7 Day Annual	Kieran Mc Guigan, Mcguiginns Ltd	Deanes At Queens, 1-6 College Gardens, Belfast, BT9 6BQ	Renewal - 7 Day Annual	Michael Deane, Deanes Restaurant Group	Granny Annie's Kitchen, 81-85 Chichester Street, Belfast, BT1 4JE	Renewal - 7 Day Annual	Endless Music Limited	Haymarket, Unit 9, The Haymarket, 84, Royal Avenue, Belfast, BT1 1DJ	Renewal & Variation - 7 Day Annual	Gareth Murphy, Coobet Trading Ltd	Hole In The Wall Bar, 1-3 Baltic Avenue, Belfast, BT15 2HR	Renewal - 7 Day Annual	Tiarnan Mc Nicholl, Hitw Limited	Linen Hall Library, 17 Donegall Square North, Belfast, BT1 5GB	Renewal - Occasional 14 Day Unspecified	Julie Andrews, Linen Hall Library	Margot, 18 Donegall Square East, Belfast, BT1 5HD	Variation - 7 Day Annual	Paul Langsford, Clover Pubs Ni No.1 Limited	Ormeau Park, Ormeau Road, Belfast, BT7 3GG	Renewal - Occasional 14 Day Unspecified	Stephen Leonard, Bcc City And Neighbourhoods Department	Seatons of Sailortown, 57 Dock Street, Belfast	Transfer - 7 Day Annual	Kelvin Collins, Gricol Pubs Ltd	The Great Eastern Bar, 273 Newtownards Road, Belfast, BT4 1AF	Renewal - 7 Day Annual	Stephen Townsley	The Honey Club, 739 Antrim Road, Belfast, BT15 4EL	Renewal - 7 Day Annual	Patrick McCormack, Charioteer Ltd
Premises and Location	Type of Application	Applicant																																						
Ben Madigan's Bar and Kitchen, 169-175 Cavehill Road, Belfast, BT15 5BP	Renewal - 7 Day Annual	Kelvin Collins, Ben Madigan's Bar And Kitchen Ltd																																						
Char and Mash, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ	Grant - 7 Day Annual	Kieran Mc Guigan, Mcguiginns Ltd																																						
Deanes At Queens, 1-6 College Gardens, Belfast, BT9 6BQ	Renewal - 7 Day Annual	Michael Deane, Deanes Restaurant Group																																						
Granny Annie's Kitchen, 81-85 Chichester Street, Belfast, BT1 4JE	Renewal - 7 Day Annual	Endless Music Limited																																						
Haymarket, Unit 9, The Haymarket, 84, Royal Avenue, Belfast, BT1 1DJ	Renewal & Variation - 7 Day Annual	Gareth Murphy, Coobet Trading Ltd																																						
Hole In The Wall Bar, 1-3 Baltic Avenue, Belfast, BT15 2HR	Renewal - 7 Day Annual	Tiarnan Mc Nicholl, Hitw Limited																																						
Linen Hall Library, 17 Donegall Square North, Belfast, BT1 5GB	Renewal - Occasional 14 Day Unspecified	Julie Andrews, Linen Hall Library																																						
Margot, 18 Donegall Square East, Belfast, BT1 5HD	Variation - 7 Day Annual	Paul Langsford, Clover Pubs Ni No.1 Limited																																						
Ormeau Park, Ormeau Road, Belfast, BT7 3GG	Renewal - Occasional 14 Day Unspecified	Stephen Leonard, Bcc City And Neighbourhoods Department																																						
Seatons of Sailortown, 57 Dock Street, Belfast	Transfer - 7 Day Annual	Kelvin Collins, Gricol Pubs Ltd																																						
The Great Eastern Bar, 273 Newtownards Road, Belfast, BT4 1AF	Renewal - 7 Day Annual	Stephen Townsley																																						
The Honey Club, 739 Antrim Road, Belfast, BT15 4EL	Renewal - 7 Day Annual	Patrick McCormack, Charioteer Ltd																																						

		<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
		The Spaniard, 3 Skipper Street, Belfast, BT1 2DZ	Renewal - 7 Day Annual	Janine Kane, Jk Pubs Ltd
		Ulster Museum, 4 Stranmillis Road, Belfast, BT9 5AB	Renewal - 7 Day Annual	Debbie McCamphill, Ulster Museum
		voco Belfast, 3 Cromac Place, Belfast, BT7 2JB	Renewal - 7 Day Annual	Neill Maclaren, Inislyn Ltd
3.2	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.			
		<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
		Oasis Gaming, 75 North Street, Belfast, BT1 1NB	Renewal Application	Martin Trimble, Oasis Retail Service Limited
		Oasis Gaming Centre, 61 Boucher Road, Belfast, BT12 6HR	Renewal Application	Gerald Steinberg, Oasis Retail Service Limited
		Oasis Gaming Centre, 429 Ormeau Road, Ormeau, Belfast, BT7 3GQ	Renewal Application	Martin Trimble, Oasis Retail Service Limited
		Oasis Gaming Centre, 14 Shaftesbury Square, Belfast, BT2 7DB	Renewal Application	Martin Trimble, Oasis Retail Service Limited
		Oasis Gaming Centre, 7 Wellington Place, Belfast, BT1 6GB	Renewal Application	Martin Trimble, Oasis Retail Service Limited
3.3	Under the terms of the Cinemas (Northern Ireland) Order 1991 no Cinema Licences were issued since your last meeting.			
3.4	Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.			
		<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
		BP Knock Road, 150 Knock Road, Belfast, BT5 6LU	Renewal Application	Mervyn Bell, Henderson Retail Ltd
		Creightons of Balmoral, 2 Upper Lisburn Road, Belfast, BT10 0AA	Renewal Application	Andrew Porter
		Creightons of Blacks Road, 243-267 Upper Lisburn Road, Belfast, BT10 0LN	Renewal Application	Andrew Porter
		Creightons of Finaghy Ltd, 87-89 Upper Lisburn Road, Belfast, BT10 0GY	Renewal Application	Andrew Porter, Creightons Of Finaghy Ltd
		Embankment Service Station, 287a Shore Road, Belfast, BT15 3PW	Renewal Application	Arthur Eugene O' Reilly, Jesroe (Services) Limited
		Top Boucher Road, 2a Boucher Crescent, Belfast, BT12 6HU	Renewal Application	Greg Murtagh, Top Boucher Road Limited
		Top Stewartstown Road, Unit 3, 140 Stewartstown Road, Dunmurry, BT11 9NB	Renewal Application	Greg Murtagh, Top Stewartstown Road Limited

3.5

Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.

Location	Type of Application	Commodity	Hours Licensed	Applicant
Desmond Hill, Shaw's Bridge Roundabout On Grass Verge In Front Of House Of Sport, Malone Road, Belfast	Temporary Application	Confectionery, Hot beverages, Hot Food	12 July 2025 08:00 – 17:00	Desmond Hill
NJ Toys, Corner Of Derryvolgie Avenue, Lisburn Road, Belfast	Temporary Application	Toys and novelty items.	12 July 2025 08:00 – 18:00	Nathan Johnston
NJ Toys, Temporary Mobile Along 12th July 2025 Parade Route	Temporary Application	Toys	12 July 2025 08:00 – 18:00	Nathan Johnston
Piers Milligan, 793 Lisburn Road (site 2), Belfast	Temporary Application	Cold beverages, Cold Food, Hot beverage, Hot Food	12 July 2025 06:30 – 17:00	Piers Milligan
Piers Milligan, Temporary Mobile Along 12th July 2025 Parade Route	Temporary Application	Clothing, Novelty items, Toys	12 July 2025 09:30 – 17:00	Piers Milligan
Quick Charge, 118 Ormeau Embankment, Belfast	Temporary Application	Disposable and recyclable power banks for mobile phones	26-28/30 June 2025 14:00 – 00:00	Eamon McDonnell
Raymond Coulter, Near Junction With Edinburgh Street, Lisburn Road, Belfast	Temporary Application	Clothing, souvenirs and toys.	12 July 2025 06:00 – 18:00	Raymond Winston Coulter
RC Trading, At Bradbury Clinic, Lisburn Road, Belfast	Temporary Application	Clothing, souvenirs and toys.	12 July 2025 08:00 – 20:00	Robert Crooks
RC Trading, At Old Movie House, Dublin Road	Temporary Application	Clothing, souvenirs and toys.	12 July 2025 08:00 – 20:00	Robert Crooks
RC Trading, Outside 100-102, Lisburn Road, Belfast	Temporary Application	Clothing, souvenirs and toys.	12 July 2025 08:00 – 20:00	Robert Crooks
RC Trading, Shaftesbury Square, Belfast, BT7	Temporary Application	Clothing, souvenirs and toys.	12 July 2025 08:00 – 20:00	Robert Crooks
RC Trading, Temporary Mobile Along 12th July 2025 Parade Route	Temporary Application	Clothing, souvenirs and toys.	12 July 2025 08:00 – 20:00	Robert Crooks
Town and Country catering, At Toilets Near Old Movie House, Dublin Road	Temporary Application	Donuts, confectionery and beverages	12 July 2025 08:00 – 18:30	Stephen Baxter
Town and Country Catering, Beside Spar Lisburn Road/Sandy Row Junction, Lisburn Road, Belfast	Temporary Application	Hot food and beverages	12 July 2025 08:00 – 18:30	Stephen Baxter
Town and Country Catering, Near Junction With Lower Windsor Avenue, Lisburn Road, Belfast	Temporary Application	Hot food and beverages	12 July 2025 08:00 – 18:30	Stephen Baxter
Town and Country Catering, Shaw's Bridge Roundabout In Front Of House Of Sport	Temporary Application	Cold food and beverages	12 July 2025 08:00 – 18:30	Stephen Baxter



	Location	Type of Application	Commodity	Hours Licensed	Applicant
	Town and Country Style Burgers, Shaw's Bridge At House Of Sport, Malone Road, Belfast	Temporary Application	Hot food and beverages	12 July 2025 09:00 – 18:00	David Deacon
	Urban Affairs Ltd t/a Urban Events, Site #43, Hill Street	Stationary Application	Arts and crafts	Sunday 10:00 – 15:00	Thomas Ferris
3.6	Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were issued since your last meeting.				
	Location	Type of Activity	Date and Hours permitted	Applicant	
	Manderson Street, Townsley Street	Community Event	17:00 Thurs 12 June to 22:00 Sun 15 June 2025	William Mayne Bullhouse, East/Urban Events NI	
	Circular Road	Street Party	Sat 21 June 2025 12:00 – 17:00	William Johnston	
	Donegall Road	Community Event	Fri 11 July 2025 12:00 – 15:00	Zara Gregg, Greater Village Regeneration Trust	
	Falls Road, Andersonstown Road, Andersonstown Road, Falls Road, Finaghy Road North	10k Run	3 August 2025 07:00 – 11:00	Gerry McClory, Feile An Phobail Limited	
	Hill Street, Gordon Street	Market	Sundays Only 27 July – 24 Aug 2025 06:00 – 17:00	Damian Corr, Cathedral Quarter Bid	
	Cross Parade	Street Party	22 June 2025 08:00 – 14:00	Martina Klapkova, Harper's Yard Community Pop Up Cafe	
	Twaddell Avenue	Street Party	11 July 2025 11:30 – 14:30	Alfred McCrory, Twaddell & Woodvale Residents' Association	
	Ballynahatty Road, Giants Ring Road, Edenderry Road	Running Race	25 July 2025 19:00 – 20:00	Brian Jack	
	Ravenhill Road, East Bridge Street, Ormeau Road Bridge, Ormeau Embankment	10k Run	7 September 2025 14:00 – 16:00	Nicola White, North Belfast Harriers	
	Union Street	Street Party	26 July 2025 10:00 – 23:00	Richard Woods, Anthology Trading 3 Ltd	

3.7

Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the following Pavement Café Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Black Sheep Coffee, Pearl Assurance House, 2 Donegall Square East, Belfast, BT1 5HB	Grant Application	Lawrence Bannon, Black Sheep Coffee Ltd
Bunsen, 78-80 Botanic Avenue, Belfast, BT7 1JR	Grant Application	Aline Poio, Horse Island Ltd
Ragin' Ramen, 24-26 Church Lane, Belfast, BT1 4QN	Grant Application	Luke Wolsey, Ragin Ramen Ltd
Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL	Grant Application	Dominic Malone, Lameno Limited
Sawers, Units 5-6, Fountain Centre, 1-13, College Street, Belfast, BT1 6ET	Grant Application	Kieran Sloan, Sawers (1982) Limited
Tim Hortons, 65 Fountain Street, Belfast, BT1 5EB	Grant Application	Lydia Hunt, Th Uk And Ireland Limited
Ulster Sports Club, 96-98 High Street, Belfast, BT1 2BG	Grant Application	Tim Herron, Cathedral Leisure Limited

3.8

**Financial & Resource Implications**

None.

3.9

**Equality or Good Relations Implications/Rural Needs Assessment**

There are no issues associated with this report.



**Belfast**  
City Council

**LICENSING COMMITTEE**

Subject:	Final Decision on Application for the Provisional Grant of an Amusement Permit for Players, 22 - 23 Shaftesbury Square
Date:	20 August 2025
Reporting Officer:	Kate Bentley, Director of Planning and Building Control, Ext. 2300
Contact Officer:	Laura Hillis, Principal Building Control Surveyor, Ext: 2469

## Restricted Reports

Is this report restricted?

Yes

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No

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

Insert number

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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## Call-in

Is the decision eligible for Call-in?

Yes

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No

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1.0	Purpose of Report		
1.1	To reconsider and make a final decision on an application for the Provisional Grant of an Amusement Permit following the Committee’s previous minded to refuse decision.		
2.0	Recommendations		
2.1	The Committee is required to decide, after hearing from the applicant / the applicant’s representatives, to either: <ul style="list-style-type: none"><li>• Grant the application for an Amusement Permit, or</li><li>• Refuse the application for the grant of an Amusement Permit.</li></ul>		
2.2	If, after 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.		
2.3	Should Members decide to grant the Provisional Amusement Permit, the 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.		
3.0	Main Report – Key Issues		
3.1	Members are reminded that at your meeting on 18 June 2025, the Committee considered an an application for the Provisional Grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order).		
3.2	<b>Premises and Location</b> Players Amusements 22 and to the rear of 23 Shaftesbury Square Belfast, BT2 7DB	<b>Ref. No.</b> WK/2020/02428	<b>Applicant</b> Leanne McGivern Play SS Limited 22 Shaftesbury Square Belfast, BT2 7DB
3.3	An existing amusement arcade, Players, on the ground floor of 22 Shaftesbury Square has been operated by the applicant company since 2018. The applicant now wishes to extend this existing amusement arcade into the rear ground floor of the neighbouring unit at 23 Shaftesbury Square, which has been vacant for some years.		
3.4	As there is no mechanism within the Order to allow for a variation of an existing Amusement Permit to cater for the extension of an existing premises, an application must be made for the Grant or Provisional Grant of an Amusement Permit for the proposed extended amusement arcade.		
3.5	After consideration of the application, the Committee in its capacity as Licensing Authority agreed that it was minded to refuse the application, as not complying with the Council’s Amusement Permit Policy criteria on the suitability of a location, on the grounds of cumulative build-up of amusement arcades and increase in the number of gaming machines in a particular location, impacting on the character and amenity of the area.		

3.6	The relevant extract of minutes and the Report from the 18 June 2025 Licensing Committee is attached as Appendix 1.
3.7	When minded to refuse an application for the Grant or Provisional Grant of an Amusement Permit, or when minded to grant a Permit subject to any discretionary conditions, the Committee is required to advise the applicant of its intention to do so and 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.
3.8	The applicant has been informed of the Committee's minded to refuse decision and has confirmed she will be in attendance at your meeting together with her representatives to address the Committee and to answer any questions Members may have about the application.
3.9	The applicant has provided further written submissions in support of the application, which are attached as Appendix 2.
3.10	Dr Tony Quinn, Braniff Associates, a Planning Consultant who has advised the Council on the formulation of the Amusement Permit Policy, will be in attendance at your meeting to speak to the Committee, if Members so wish, on the purpose and application of the Policy.
3.11	A copy of the Council's Amusement Permit Policy is attached as Appendix 3.
4.0	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>None. Administration of Amusement Permit applications is included in current budgetary estimates.</p>
5.0	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>None.</p>
6.0	<p><b>Appendices – Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 – Extract of minutes and Report from 18 June 2025 Licensing Committee meeting</li> <li>• Appendix 2 – Statement of da architects Ltd in support of application.</li> <li>• Appendix 3 – Statement of Leanne McGivern in support of application (contains restricted information)</li> <li>• Appendix 4 – Amusement Permit Policy</li> </ul>

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## Agenda item

### Application for the Provisional Grant of an Amusement Permit for Players Amusements, Shaftesbury Square

- [Meeting of Licensing Committee, Wednesday, 18th June, 2025 5.15 pm \(Item 4c\)](#)

#### Minutes:

The Director of Planning and Building Control presented the details of the application to the Committee.

She outlined that an existing amusement arcade, Players, on the ground floor of 22 Shaftesbury Square, had been operated by the applicant company since 2018. The amusement permit for it was renewed on 1st June, 2025.

The applicant company now wished to extend the existing amusement arcade into the rear ground floor of the neighbouring unit at 23 Shaftesbury Square, which had been vacant for some years, but had recently been provided with a shop frontage sign for 'Great Expectations, Regenerating Great Victoria Street'.

As there was no mechanism within the Order to allow for a variation of an existing Amusement Permit to cater for the extension of an existing premises, an application had to be made for the Grant or Provisional Grant of an Amusement Permit for the proposed extended amusement arcade.

The Members were advised that the applicant had requested to operate the proposed premises 7 days per week, Monday to Sunday, 00:00 to 24:00hrs. The applicant had confirmed that the requested hours were those that the current premises operated. The application was for a total of 69 gaming machines, giving an increase of 15 machines over the existing arcade; all of which were to pay out a maximum all cash prize of £500 in accordance with the Gaming (Variation of Monetary Limits) Order (NI) 2025 which came into force on 29th January, 2025. Admission to the arcade was restricted to persons aged 18 or over.

In regards to health and safety, officers from the Service had met with the applicant to discuss the application and status of the premises. The applicant had confirmed that a Building Regulations application would be made to the Service for building work that would be required to create the new arcade layout. The Northern Ireland Fire and Rescue Service had been consulted and it had confirmed that it had no objections to the application.

The PSNI had been consulted and had confirmed that it had no objections to the application. No objections had been received as a result of the public notices placed in the three local newspapers.

The Director outlined that planning permission for a change of use of the ground floor of 23 Shaftesbury Square, to an amusement arcade, was granted on 20th April, 2023.

The Amusement Permit application involved the extension of the existing amusement arcade into the rear half of the adjoining property, with the front portion being retained as a retail unit.

The proposal therefore constituted a partial implementation of the related planning permission which allowed for the entire unit to be converted into an amusement arcade, which the Planning Service had confirmed was lawful from a planning perspective.

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. The Court had also confirmed that the Council could take into account matters such as location, structure, character and impact on neighbours and the surrounding area.

The Committee was advised that, in considering the application for the Provisional Grant or Grant of an Amusement Permit, it should have regard to the Order and to the Council's Amusement Permit Policy, as follows:

- a) The fitness of the applicant to hold a Permit having regard to her 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.

The Director also highlighted that the Council's Amusement Permit Policy had been ratified on 1st May, 2013. The policy outlined those matters which may be taken into account in determining any amusement permit application and indicated that each application must be assessed on its own merits.



All applications for the grant of an amusement permit were assessed against the Amusement Permit Policy. The key objectives of the policy were 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 Committee was advised that there were five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade.

- a) Impact on the retail and viability of Belfast City
- b) Cumulative build-up of amusement arcades in a particular location
- c) Impact on the image and profile of Belfast
- d) Proximity to residential use; and
- e) Proximity to schools, youth centres, and residential institutions for vulnerable people.

In considering criterion b, the cumulative build-up of amusement arcades in a particular location, in addition to the existing arcade at no. 22 Shaftesbury Square, which the application sought to extend, there was another property on the commercial frontage assigned to amusement arcade use, Oasis at 14 Shaftesbury Square and 1-7 Donegall Road. Furthermore, there were two other amusement arcades operating nearby within approximately 200m walking distance of the application premises, namely, Onassis Amusements, Second floor, 25-41 Botanic Avenue, and Playland, 24-28 Bradbury Place.

The Director explained that, in the desire to promote retailing and regeneration in the City Centre, as per the first key objective of the Amusement Permit Policy, the Council was keen to avoid a clustering of Amusement Centres at any given location. One means by which to avoid clustering was a permit policy restriction on ground floor extensions/mergers of existing establishments into adjoining units.

The application sought a permit for the rear half of the adjoining property and proposed to retain the front half as a retail unit. While that technically constituted a partial merger, and therefore contrary to that aspect of the permit policy, consideration must be given to the fact that the extension of the amusement arcade would not affect the street frontage. In so doing, it would contribute to the maintenance of an active street frontage at ground floor level on that part of Shaftesbury Square.

However, the Committee was advised that it might wish to consider that there might be an issue in relation to the cumulative build-up of arcades and an increase in the number of gaming machines at the location which might impact upon the character and amenity of the area.

The Director reminded the Committee that it had refused an application, from a different applicant, to extend the amusement permit for the premises at 22 Shaftesbury Square into the adjoining vacant building at its meeting on 21st September, 2016. She explained that it was refused on the basis that the application failed to comply with two of the five criteria set out within the Council's Amusement Permit Policy in terms of criteria (b) the cumulative build-up of amusement arcades in a particular location and (c) the impact of the arcade upon the image and profile of Belfast.

However, the current application was different in that it was proposed to extend only to the rear of the adjoining unit for use as an amusement arcade. Accordingly, it might be considered to comply with all the permit policy criteria with the possible exception of the cumulative build-up of amusement arcades in a particular location. The Committee might wish to consider whether there was an issue in relation to the cumulative build-up of arcades and increase in the number of gaming machines at the location, which might impact upon the character and amenity of the area.

The Committee was reminded that the Council could not impose a restriction on the number of gaming machines under amusement permit legislation.

The Committee was reminded also that, on 19th October, 2022, it had approved the Provisional Grant of an Amusement Permit for the nearby Playland, 24-28 Bradbury Place, for the extension of the existing ground floor amusement arcade into the front of the premises to incorporate what was a small coffee shop area.

The Director informed the Committee that, should it be minded to refuse the application for the Provisional Grant of an Amusement Permit, it was required to advise the applicant of its intention to do so and that it 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.

She explained that, should the Committee be minded to grant the permit provisionally, it was requested to consider delegating authority to her, in consultation with the City Solicitor to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity were completed to the satisfaction of the Building Control Service.

The Chairperson welcomed Mr. R. Daly, Barrister for the applicant, Mr. S. Nicholson, Architect, and Ms. L. McGivern, Applicant, to the meeting.

Mr. Daly advised the Committee that the application was for a small rear extension to the existing premises, expanding into what was essentially derelict property, only increasing the number of gaming machines by 15 (from 49 to 64). He stated that there would be no change to the street frontage and that the application sought to improve the space and access routes, improve already complaint fire safety, health and safety, LED lighting and modernise the premises in line with modern industry standards. He stated that there was precedent in that the Committee had previously approved a similar rear extension application that went next door for an Oasis gaming centre in Wellington Place and an approval for extension taking in a coffee shop to front of Playland in Bradbury Place.

In response to a Member's question regarding the proposed new layout, Mr. Nicholson confirmed that, as part of the extension plans, the current access to the rear yard for the retained shop unit would be lost.

In response to a further query regarding the plans, officers confirmed that it was not a requirement under an amusement permit that the office within an amusement centre must have to have sight of all the gaming machines within the premises.

A further Member asked what protections were in place for those who were using the amusement arcade, including if they were prohibited from continuing and what services, if any, they were directed to if they required assistance with gambling addiction. Mr. Daly stated that the applicant took gambling addiction very seriously and that staff were trained and provided leaflets and website information to any such customers. Ms. McGivern, applicant, added that she was very conscious of responsible gambling and that they displayed posters within the premises clearly signposting people towards the gambling charity, GamCare. She added that they offered a self-exclusion policy, whereby a customer could request to be excluded from gambling at the business for a set length of time.

In response to a Member's question as to how many gaming shops were deemed to be too many in one location, the Director explained that that was a question for the Committee to consider, and that the proposed additional gaming machines represented a 4% increase on the total number within the amusement arcades in the vicinity shown on the map within the Committee pack.

A Member stated that he was concerned that there was a proliferation of amusement arcades within the area.

Moved by Councillor Smyth,

Seconded by Alderman McCullough,









That the Committee agrees that it is minded to refuse the application for the Provisional Grant of an Amusement Permit, on the grounds of cumulative build-up of amusement arcades and increase in the number of gaming machines in a particular location, impacting on the character and amenity of the area.

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

Therefore, the applicant would be afforded the opportunity to make representations on the matter, at a specified Licensing Committee meeting, before the Committee would make its final determination on the application.

#### **Supporting documents:**

- [Players Shaftesbury Square – Amusement Permit Provisional Grant – 18 June 2025, item 4c](#)  PDF 491 KB

- [Appendix 1 – Location Map indicating other amusement arcades in vicinity, item 4c](#)  PDF 229 KB
- [Appendix 2 – Ground Floor Layout Plan, item 4c](#)  PDF 6 MB
- [Appendix 3 – Supporting statement, item 4c](#)  PDF 283 KB
- [Appendix 4 – Planning Permission, item 4c](#)  PDF 304 KB
- [Appendix 5 – References \(restricted & redacted\), item 4c](#)  PDF 2 MB [View the reasons why document 4c/6 is restricted](#)
- [Appendix 6 – PSNI response\\_Redacted, item 4c](#)  PDF 342 KB
- [Appendix 7 – Street Frontage Photographs, item 4c](#)  PDF 349 KB
- [Appendix 8 – Amusement Permit Policy, item 4c](#)  PDF 1 MB



Subject:	Application for the Provisional Grant of an Amusement Permit for Players Amusements, Shaftesbury Square
Date:	18 June 2025
Reporting Officer:	Kate Bentley, Director of Planning and Building Control, Ext. 2300
Contact Officer:	Moira Dougherty, Senior Building Control Surveyor, Ext: 2458

## Restricted Reports

Is this report restricted?

Yes

☐

No

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

Insert number

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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## Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the Provisional Grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order).		
	Premises and Location	Ref. No.	Applicant
	Players Amusements 22 and to the rear of 23 Shaftesbury Square Belfast, BT2 7DB	WK/2020/02428	Leanne McGivern Play SS Limited 22 Shaftesbury Square Belfast, BT2 7DB
1.2	A location map is attached as Appendix 1.		
1.3	Layout plans of the premises are included as Appendix 2.		
	Recommendations		
2.1	In considering the application for the Provisional Grant or Grant of an Amusement Permit, the Committee shall have regard to the Order and to 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.		
	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.		
2.3	Thereafter:-		
	1) You may refuse the application after hearing any representations from third parties, or		

<p>2.4</p> <p>2.5</p>	<p>2) You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</p> <p>3) You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</p> <p>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.</p> <p>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.</p>
<p><b>3.0</b></p>	<p><b>Background</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.9</p>	<p>Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant and provisional grant of Amusement Permits.</p> <p>An existing amusement arcade, Players, on the ground floor of 22 Shaftesbury Square has been operated by the applicant company since 2018. The amusement permit for it was renewed on 1 June 2025.</p> <p>The applicant company now wishes to extend this existing amusement arcade into the rear ground floor of the neighbouring unit at 23 Shaftesbury Square, which has been vacant for some years, but has been recently provided with a shop frontage sign for 'Great Expectations, Regenerating Great Victoria Street'.</p> <p>As there is no mechanism within the Order to allow for a variation of an existing Amusement Permit to cater for the extension of an existing premises, an application must be made for the Grant or Provisional Grant of an Amusement Permit for the proposed extended amusement arcade.</p> <p><u>Provisional Grant of an Amusement Permit</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Should Members be of a mind to grant the permit provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation</p>

	<p>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.</p> <p><u>Application details</u></p>
3.10	The applicant has requested to operate the proposed premises 7 days per week, Monday to Sunday, 00:00 to 24:00hrs. The applicant has confirmed that the requested hours are those the current premises operate.
3.11	The application is for a total of 69 gaming machines, giving an increase of 15 machines over the existing arcade; all of which are to pay out a maximum all cash prize of £500 in accordance with the Gaming (Variation of Monetary Limits) Order (NI) 2025 which came into force on 29 January 2025. Admission to the arcade is restricted to persons aged 18 or over.
3.12	The applicant has submitted a statement in support of the application that is included as Appendix 3.
3.13	The applicant and/or her representatives will be available at your meeting to address the Committee and to answer any questions Members may have about the application.
	<p><u>Health, Safety, Welfare and Technical requirements</u></p>
3.14	Officers from the Service have met with the applicant to discuss the application and status of the premises. The applicant has confirmed that a Building Regulations application will be made to the Service for building work that will be required to create the new arcade layout.
3.15	<u>NIFRS</u> : The Northern Ireland Fire and Rescue Service has been consulted and confirmed that they have no objections to the application.
	<p><u>Planning matters</u></p>
3.16	Planning permission for change of use of ground floor of 23 Shaftesbury Square to an amusement arcade was granted on the 20 April 2023.
3.17	The Amusement Permit application involves the extension of the existing amusement arcade into the rear half of the adjoining property, with the front portion being retained as a retail unit.
3.18	This proposal therefore constitutes a partial implementation of the related planning permission which allows for the entire unit to be converted into an amusement arcade, which the Planning Service has confirmed is lawful from a planning perspective.
3.19	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.
3.20	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.
3.21	A copy of the planning permission is attached as Appendix 4.



4.0	<b>Main Report - Key issues</b>
	<b><u>Amusement Permit Policy</u></b>
4.1	Members are advised that the Council's Amusement Permit Policy was ratified at Council on 1 May 2013. The policy outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.
4.2	All applications for the grant of an amusement permit are assessed against the Amusement Permit Policy.
4.3	The key objectives of this policy are to:- <ol style="list-style-type: none"> <li>1. Promote the retail vibrancy and regeneration of Belfast;</li> <li>2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;</li> <li>3. Support and safeguard residential communities in Belfast;</li> <li>4. Protect children and vulnerable persons from being harmed or exploited by gambling;</li> <li>5. Respect the need to prevent gambling from being a source of crime and disorder.</li> </ol>
4.4	The Policy consists of two components which are considered below:  <b><u>1. Legal requirements under the 1985 Order</u></b>
4.5	Members must have regard to the legal requirements under the 1985 Order relating to:  (a) The character, reputation and financial standing of the applicant:
4.6	References and additional supporting information for those associated with the application are attached as Appendix 5 to the report for consideration.  (b) The nature of the premises and activity proposed:
4.7	To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the facade integrates with adjacent frontages.
4.8	<b>(c) Opinions of the Police:</b> The PSNI has been consulted and have confirmed that they have no objections to the application. A copy of their response is attached as Appendix 6.
4.9	<b>(d) Submissions from the general public:</b> No objections were received as a result of the public notices placed in the three local newspapers.
	<b><u>2. Assessment criteria for suitability of a location</u></b>
4.10	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.  <b>a) Impact on the retail and viability of Belfast City:</b>

4.11	<p>The application site is located within the City Centre, but outside its Retail Core, as defined in the draft Belfast Metropolitan Area Plan 2015 (draft BMAP). The premises are bordered by the South Belfast Northern Ireland Supporters Club on one side and by a barbers shop on the other side. The proposed extension does not therefore break up a continuous retail frontage.</p> <p><b>b) Cumulative build-up of amusement arcades in a particular location:</b></p>
4.12	<p>In addition to the existing arcade at No. 22 Shaftesbury Square, which this application seeks to extend, there is another property on this commercial frontage assigned to amusement arcade use, Oasis at 14 Shaftesbury Square &amp; 1-7 Donegall Road. Furthermore, there are two other amusement arcades operating nearby within approximately 200m walking distance of the application premises. These are:</p> <ul style="list-style-type: none"> <li>• Onassis Amusements, Second floor, 25-41 Botanic Avenue, and</li> <li>• Playland, 24-28 Bradbury Place</li> </ul>
4.13	<p>In the desire to promote retailing and regeneration in the City Centre, as per the first key objective of the Amusement Permit Policy, the Council is keen to avoid a clustering of Amusement Centres at a given location. One means by which to avoid clustering is a permit policy restriction on ground floor extensions/mergers of existing establishments into adjoining units.</p>
4.14	<p>This application seeks a permit for the rear half of the adjoining property and proposes to retain the front half as a retail unit. While this technically constitutes a partial merger, and therefore contrary to this aspect of the permit policy, consideration must be given to the fact that the extension of the amusement arcade will not affect the street frontage. In so doing, it will contribute to the maintenance of an active street frontage at ground floor level on this part of Shaftesbury Square.</p>
4.15	<p>The above notwithstanding, the Committee may wish to consider that there may be an issue in relation to the cumulative build-up of arcades and an increase in the number of gaming machines at this location which might impact upon the character and amenity of the area.</p>
4.16	<p>Photographs of the street frontage are attached as Appendix 7.</p> <p><b>c) Impact on the image and profile of Belfast</b></p>
4.17	<p>The application premises is not a listed building and has no neighbouring property which is a tourism asset. The application premises is located at a key entrance junction (Gateway) to the City Centre, as identified in draft BMAP 2015. This is one of 11 Gateway locations at the edge of Belfast City Centre which presents the visitor with an initial impression that can influence their overall perception of the City Centre. By retaining the front portion of the property for retail use the proposal is not considered to undermine the image and profile of Belfast</p> <p><b>(d) Proximity to residential use:</b></p> <p>(i) - predominantly residential in character</p>
4.18	<p>The City Centre premises are located at ground-floor level, along the commercial frontage of Shaftesbury Square, where there is a mix of non-residential uses including offices, other amusement arcades, betting office and a social club. The application location can therefore be viewed as a 'mixed use' area and not one that is predominantly residential in character.</p>

	(ii) – non-residential property that is immediately adjacent to residential property
4.19	<p>The residential properties located nearest to the application premises are St. George's Gardens, which are situated to the rear of the commercial frontage on the which the application site is located. They are approximately 20m to the rear of the application site and separated from it by Stroud Street. These residential properties are facing the rear of the application premises but are not immediately adjacent to it.</p> <p><b>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people</b></p>
4.20	<p>There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.</p> <p><b>Conclusion</b></p>
4.21	<p>Members are reminded that the Committee refused an application, from a different applicant, to extend the amusement permit for the premises at 22 Shaftesbury Square into the adjoining vacant building at its meeting on 21st September 2016. This was on the basis that the application failed to comply with two of the five criteria set out within the Council's Amusement Permit Policy in terms of (i) the cumulative build-up of amusement arcades in a particular location and (ii) the impact of the arcade upon the image and profile of Belfast.</p>
4.22	<p>However, this permit application is different in that it is proposed to extend only to the rear of the adjoining unit for use as an amusement arcade. Accordingly, it may be considered to comply with all the permit policy criteria with the possible exception of the cumulative build-up of amusement arcades in a particular location. The Committee may wish to consider whether there is an issue in relation to the cumulative build-up of arcades and increase in the number of gaming machines at this location which might impact upon the character and amenity of the area.</p>
4.23	<p>Members will be aware that councils cannot impose a restriction on the number of gaming machines under amusement permit legislation.</p>
4.24	<p>In considering any application it is the case that Members may take into account any matter which is deemed relevant. Members may also depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.</p>
4.25	<p>Members are reminded that at their meeting of 19 Oct 2022 they approved the Provisional Grant of an Amusement Permit for the nearby Playland, 24-28 Bradbury Place for the extension of the existing ground floor amusement arcade into the front of the premises to incorporate what was a small coffee shop area.</p>
4.26	<p>A copy of the Council's Amusement Permit Policy is attached for your information and reference as Appendix 8.</p>
	<b><u>Financial &amp; Resource Implications</u></b>
5.1	<p>None. Administration of Amusement Permit applications is included in current budgetary estimates.</p>

	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
6.1	None.
7.0	<b>Appendices – Documents Attached</b> <ul style="list-style-type: none"> <li>• Appendix 1 - Location Map</li> <li>• Appendix 2 - Ground Floor Layout Plan</li> <li>• Appendix 3 - Applicant's statement in support of application</li> <li>• Appendix 4 - Copy of the Planning Permission</li> <li>• Appendix 5 – References (Restricted)</li> <li>• Appendix 6 - PSNI Consultation Response</li> <li>• Appendix 7 - Street frontage photographs</li> <li>• Appendix 8 - Belfast City Council's Amusement Permit Policy</li> </ul>

**da architects Ltd**

**Supporting statement for extension of existing amusement permit**

**Premises : 23 Shaftsbury Square Belfast BT2 7DB**

**Applicant : Play SS Ltd**

**Permit type : Amusement permit (extension application)**

**Council : Belfast City Council**

**Dated: 4<sup>th</sup> August 2025**

**Background:**

1. da architects provided an earlier supporting statement in respect of the Council Committee considering this application.
2. A representative of da architects was in attendance and listened carefully to comments and observations from the Committee Members. By letter dated 27<sup>th</sup> June 2025, the Council advised that:

**“...the Council's Licensing Committee, at its meeting on 18 June 2025, considered the application and agreed that it was minded to refuse to grant the Permit, on the basis that it did not comply with the criterion of the Council's Amusement Permit Policy in terms of the cumulative build-up of amusement arcades and increase in the number of gaming machines in a particular location.”**

3. This supporting statement supercedes the previous statement, and provides further information that is directly relevant to the issues raised by the Council.
4. Given the reasons contained in the “minded to refuse” letter of 27<sup>th</sup> June 2025, the report considers the context of the application for extension.

**Context:****The refurbishment of a related company premises in Belfast**

5. The applicant company has a related company with a business on Lisburn Road, Belfast.
6. At the sister company “Players” Lisburn Road, the premises were the subject of a substantial refurbishment at a cost of £200,000. The works involved:
  - New carpet fitted

- New suspended ceiling
  - New staff counter
  - Rewired, new electrical plugs and data points
  - New toilet facility
  - New chairs for machine terminals
  - New shop front / signage
  - New CCTV System
  - New sound system
  - New hand sanitizing equipment to ensure safety for customers
  - New USB charging points
  - New coffee facilities
7. As stated in the previous report, whilst the existing Shaftesbury Square premises are adequate in terms of providing safe access and egress for members of the public, they are not up to the modern high standards that customers expect of modern premises. In particular:
8. The total costs of the works is £200,000.
9. The applicant seeks to utilize an area of derelict and unused premises to the rear of the premises as part of the refurbished premises. That area will:
- Will include greater floor place / machine to square foot ratio for the benefit and safety of our customer base.
  - Provide easier access to all parts of the sites (i.e. coffee area, toilets etc.) due to extended space.

- See the amended plans at Appendix 2 that set out the number of machines which illustrates the use of this further space.

10. Mindful of the Council policy, the extension does not create additional frontage to the business.

11. Whilst one member raised a query as to the use of the front of the premises that is presently unoccupied, Member will of course be aware that any attempt to extend into that area would require the Council's approval. That is not sought.

12. A planning application was made to Planning Service for the Change of use of ground floor of no. 23 to amusement arcade including extension and frontage alterations to allow amalgamation with No. 22.

13. A key consideration within the proposal is that it complies with Planning Policy R1 of BMAP Plan Strategy as it retains the front retail unit and therefore the frontage is not affected by this proposal. This leaves this space available for future retail use or other use provided planning permission is granted.

A copy of the planning permission is at **Appendix 1**.

14. The proposed extension to the premises will allow Play SS Ltd to improve the services they are able to provide and offer more variety to their customer in a more comfortable environment.

15. In addition, it will allow the business to:

- (i) Provide an improved recreational space for their customers and staff.
- (ii) Maintain the employment of the local staff and contributing to the local economy.
- (iii) Enhance the current facilities in line with modern industry standards.



## **Health and safety and risk management**

16. The proposed extension will enhance health and safety with the business, these include

- (iv) The internal layout will be improved creating a more spacious environment with walkways and open space all of which will reduce congestion and improve access to the emergency exit routes in the case of an emergency.
- (v) The new interior will have new led low energy lighting throughout, enhanced natural lighting and a new mechanical ventilation system to create a safer and more comfortable interior environment.
- (vi) All flooring provided will be slip resistant providing a level of resistance that will help reduce the risks of trips, slips and falls.

## **The minded to refuse reasons:**

### **The cumulative build-up of amusement arcades and**

17. This issue will be a matter for further submissions from Counsel.

18. There is no addition to arcades.

### **Increase in the number of gaming machines in a particular location**

19. The amended plans at Appendix 2 detail the location of the additional 15 machines proposed at this location in the extended rear part of the premises.

20. It is material to note that, in determining this proposal the planning department assessed the application under several criteria including the acceptability of an extension to an existing amusement/gaming centre extension in this location, loss of

ground floor retail floor space, impact on the surrounding properties, impact on neighbouring amenity, cumulative impact and impact on traffic flow.

21. In addition to the criteria above a planning precedent was already in place as the Planning department had already approved a similar project lodged by Oasis Retail Services Ltd at 7 & 9 Wellington Place Belfast BT1 6GB ref LA04/2018/0095/F.

**4<sup>th</sup> August 2025**

**da architects Ltd**

## **APPENDIX 1 – PLANNING PERMISSION**



## PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: **LA04/2021/2846/F**

Date of Application: **1 December 2021**

Site of Proposed  
Development:

**22/23 Shaftesbury Square  
Belfast  
BT2 7DB.**

Description of Proposal:

**Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22.**

Applicant: KB Shaft Limited  
Address: 3 Forest Hills  
Newry  
BT34 2FI

Agent: Conor Byrne  
Address: 17 The Esplanade  
Holywood  
BT18 9JP

The Council in pursuance of its powers under the above-mentioned Act 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. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The extended amusement arcade hereby approved shall at all times remain part of the same planning unit as the amusement arcade at No. 22 Shaftesbury Square

and shall not be sub-divided or operated as a separate amusement arcade.

Reason: To prevent proliferation of amusement arcades in the locality, which would be detrimental to the amenities and character of the area.

#### **Informatives**

1. This decision relates to the following approved drawing numbers: 01 02

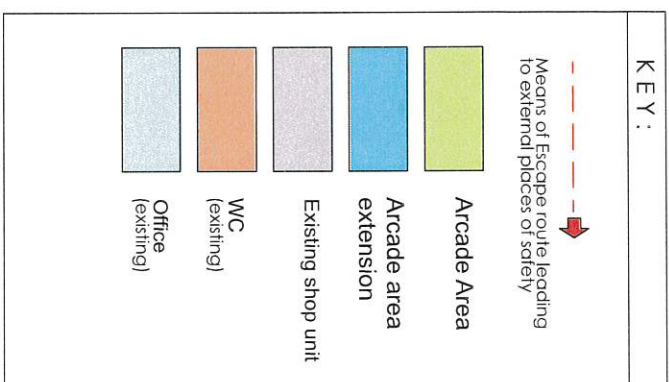
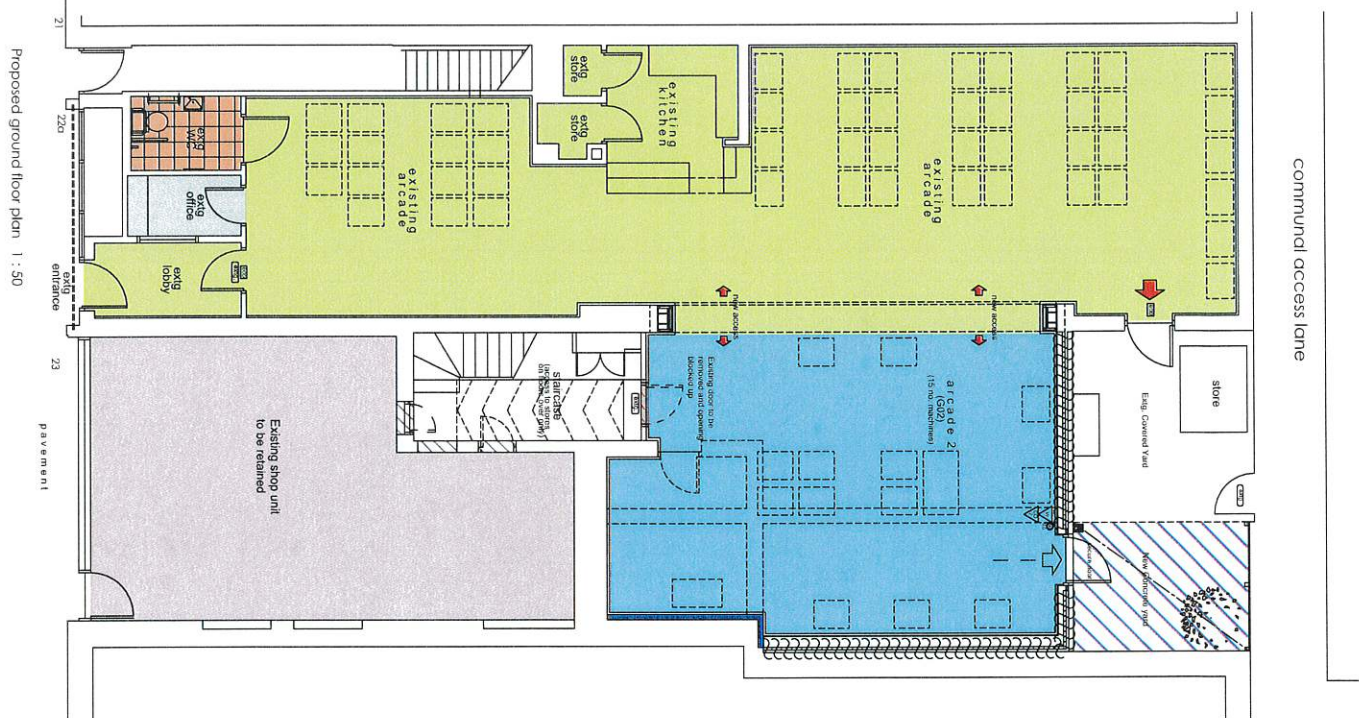
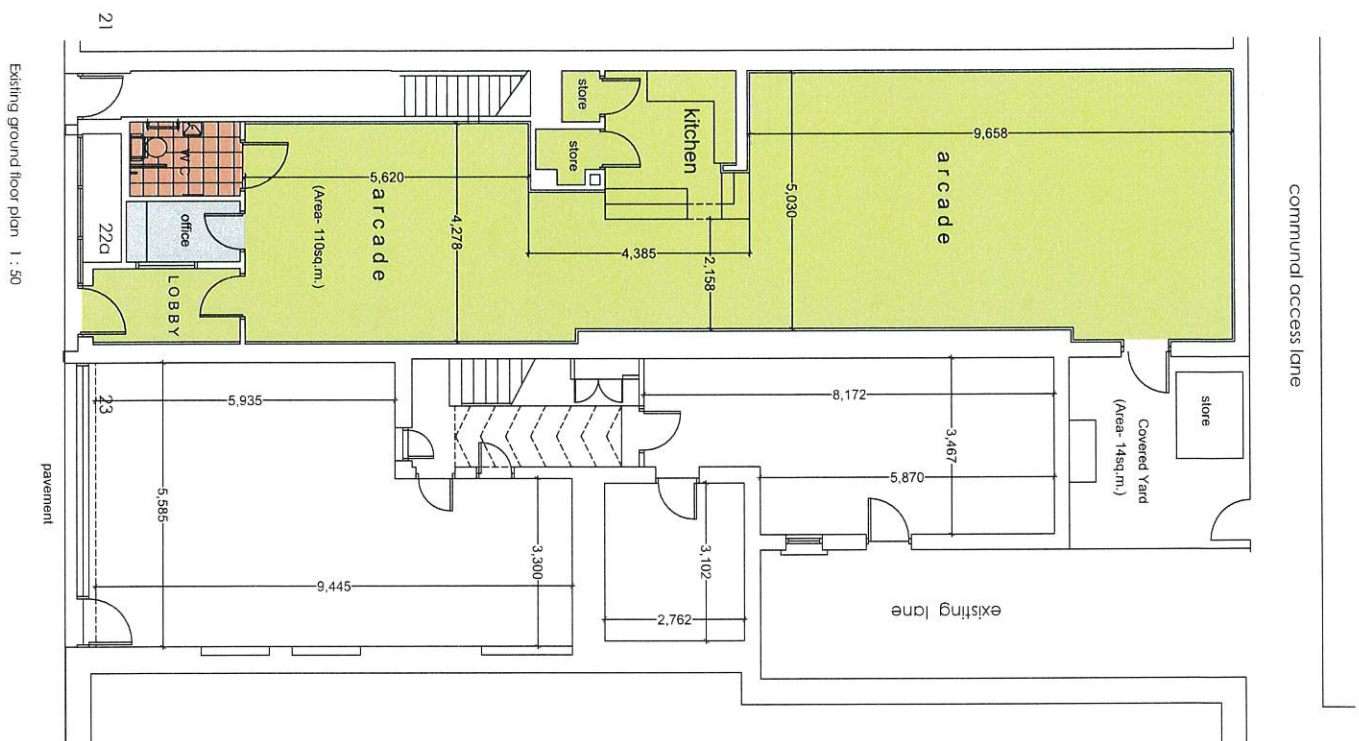


**Authorised Officer**

**Dated: 20<sup>th</sup> April 2023**

Belfast City Council

## **APPENDIX 2 - PLANS**

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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:

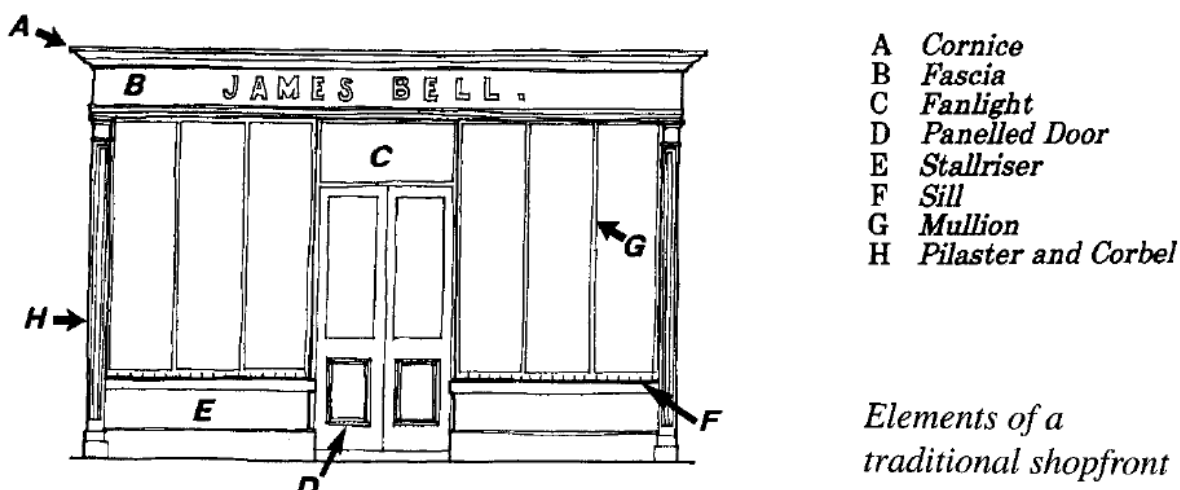
- **Illumination** – as a general rule illumination should be kept to a minimum and no floodlighting of premises will be permitted, save for trough/spot lighting over the fascia.
- **Form of advertising and window displays** – the name of the business should be clearly advertised in the window. Legislation 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:**

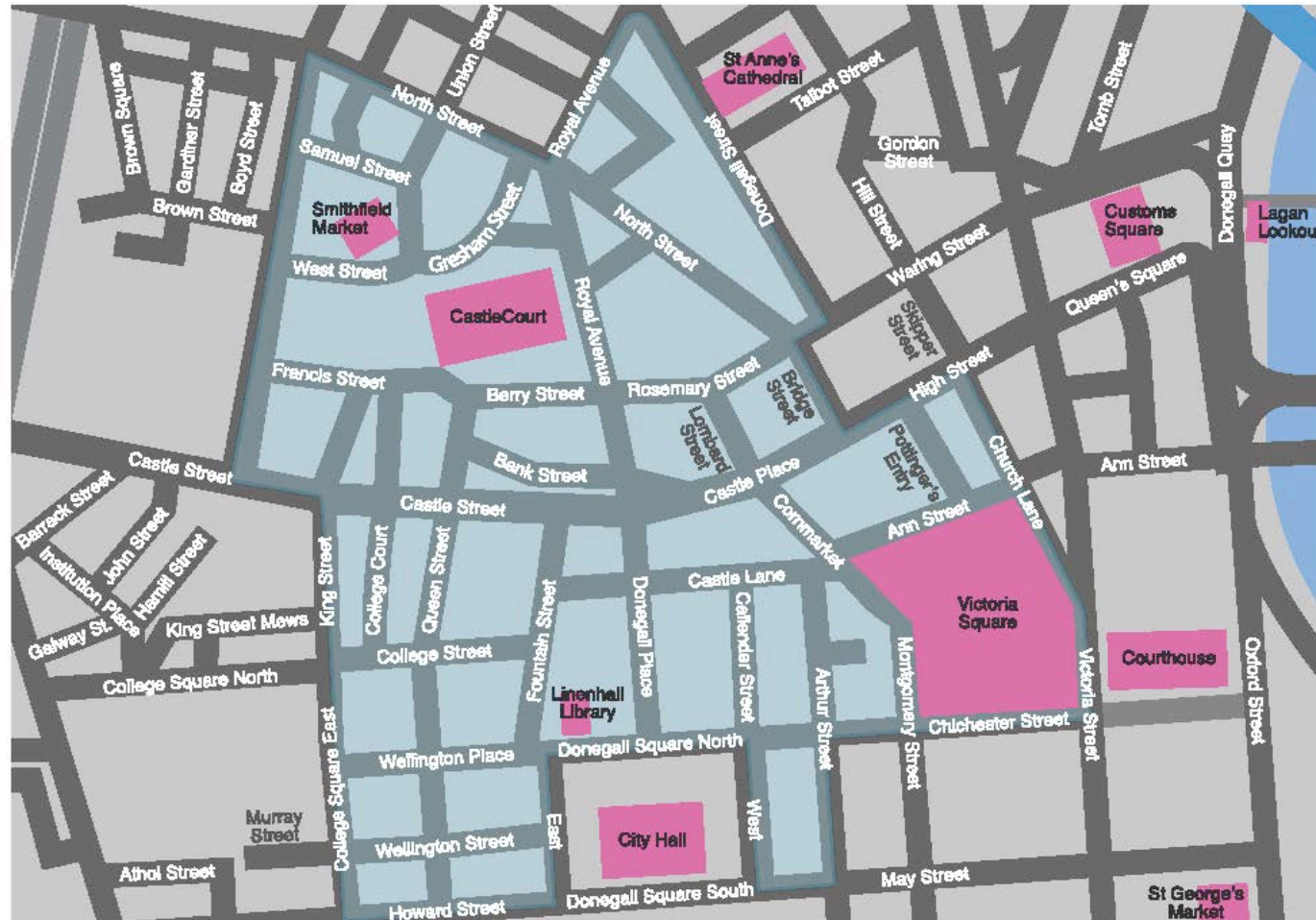
**Premises' details:**

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  
5<sup>th</sup> Floor  
9 Lanyon Place  
Belfast  
BT1 3LP

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



<b>Subject:</b>	<b>Final decision on competing Stationary Street Trading Licence applications for Boucher Crescent at lamp post number 16, for which appeal received.</b>
<b>Date:</b>	20 August 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control, ext. 2300
<b>Contact Officer:</b>	Laura Hillis, Principal Building Control Surveyor, Ext. 2469

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

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

Insert number

☐

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Members are reminded that, at your meeting of 21 May 2025, you considered two separate Street Trading Licence Applications from Mr Ajithjosedaniel Arputharaj and Mr Aaron Smallwood to trade at the designated site in Boucher Crescent at lamp post number 16.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Mr Arputharaj a Stationary Street Trading Licence to sell hot food and non-alcoholic beverages from a catering trailer Monday to Sunday from 7.00am to 9.00pm. One of the reasons given for that decision was that, in line with previous decisions, the street trading licence should be awarded to the application received first.
1.3	The result of that decision means that the single Designated Street Trading Site is taken and as such there is no suitable location for the other applicant and also now sufficient traders trading in the street, in the articles, things or services in which the successful applicant wanted to trade.
1.4	As a consequence, the Committee agreed that you were minded to refuse the application submitted by Mr Smallwood.
1.5	A copy of the report and minutes from that meeting is attached as Appendix 1.
1.6	Mr Smallwood has submitted a written representation to appeal your decision, which Committee must now consider, before arriving at your final decision on the competing street trading applications for this designated site. Some of Mr Smallwood's representations are not material concerns for the Committee when making their decision.
<b>2.0</b>	<b>Recommendations</b>
2.1	Members must agree either to: <ul style="list-style-type: none"> <li>1. Uphold the initial decision of the 21 May 2025 and grant the licence to Mr Arputharaj and refuse the other application, or</li> <li>2. Amend its decision of 21 May 2025.</li> </ul>
2.2	If Members uphold the initial decision and grant the licence to Mr Arputharaj, refusing to grant the licence to Mr Smallwood, Mr Smallwood has a right of appeal to the Magistrates Court against the refusal.
2.3	On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide. The Licence would only be granted on a 1-year basis, as is normal for applications from traders that have previously not held a street trading licence in Belfast.
2.4	If Members amend their decision of 21 May 2025, the Committee should give the grounds for so doing and, as the Committee will be making new minded-to decisions concerning the applications, a date for a special meeting must be arranged to hear from the relevant applicant again before making the final decision.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>

3.1	As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr Arputharaj, the Committee agreed that it was minded to refuse the application which had been submitted by Mr Smallwood.
3.2	That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which he wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which he wished to trade.
3.3	Mr Smallwood has submitted a written appeal against your decision, a copy of which is attached as Appendix 2.
3.3	<p>In his written appeal Mr Smallwood outlines:</p> <ul style="list-style-type: none"> <li>• That initially during the Committee Meeting a Member had clearly agreed that his business 'the toastie co' should be granted the street trading pitch based on the positive contribution it would bring to the local community.</li> <li>• Stresses the value and uniqueness of the offerings, which include signature roasted house blend coffee, local baked goods, and high-quality toasties.</li> <li>• That at the Committee Meeting a Member cited the presence of another party selling toasties, whom the applicant clarified does not sell toasties but loaded fries, tacos, burgers, wraps, salads and pancakes, and is a private individual who is located on the other side of the Balmoral Estate.</li> <li>• That Mr Arputharaj had applied for the pitch six days before Mr Smallwood, and that providing Indian food and bringing spices from abroad does not support local sourcing, and his proposed set-up, given its scale and nature (seven days 7am-9am and proposed cheap prices) should not have been passed by the committee.</li> <li>• Mr Smallwood had invested thousands of pounds into his businesses, working with local suppliers for sourdough bread, Bailies Coffee Roasters, sourcing vegetables and cheese locally.</li> <li>• His business is committed to supporting local jobs and the economy, aligning with the community spirit and policies of the Council.</li> <li>• Mr Smallwood requests that the decision be reconsidered, taking into account the substantial local investment he has made and the positive contribution he would bring.</li> </ul>
4.0	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and a Licence fee, for Monday to Sunday, of £1250 per annum, or a Licence fee, for Monday to Saturday, of £1000 per annum.</li> </ul>
5.0	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
6.0	<p><b>Appendices – Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 – Minutes and Report from Licensing Committee meeting of 21 May 2025</li> <li>• Appendix 2 – Mr Smallwood's Written Representation</li> <li>• Appendix 3 – Street Trading Licensing Policy</li> </ul>

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**Competing Stationary Street Trading Licence  
applications for Boucher Crescent at lamp post  
number 16**

The Senior Licensing Officer advised the Committee that it was being asked to consider two competing Stationary Street Trading Licence applications to trade at a designated site in Boucher Crescent. The site was designated to allow for the sale of hot food and non-alcoholic beverages and both applications complied with the designating resolution for the site.

The first application was received from Mr. Ajithjosedaniel Arputharaj. He had applied to sell hot food and non-alcoholic beverages from a trailer measuring 5.5m by 2.1m. His proposed hours of operation were Monday to Sunday, 7.00am to 9.00pm. He had not previously held a street trading licence with Belfast City Council. He was registered with the Council's Environmental Health Food Safety and was awaiting initial inspection.

The second application was from Mr. Aaron Smallwood. He had applied to sell hot food and non-alcoholic beverages from a trailer measuring 3m by 2m. His proposed hours of operation were Monday to Saturday, 9.00am to 3.30pm. Mr. Smith had not previously held a street trading licence with Belfast City Council. He was registered with North Down and Ards Borough Council's Environmental Health Food Safety where he had a five star food hygiene rating.

The PSNI and DFI Roads had been consulted and had no objections to either application, subject to correct vehicle positioning.

The Chairperson advised the Committee that the two applicants were in attendance to outline their proposals for the site. He invited Mr. Arputharaj and his wife Mrs. Vinoliya Sahayaraj to address the Committee first.

Mrs. Sahayaraj explained that she was the co-owner of the business and was also a nurse. She stated that a healthy gut made a healthy mind and they wanted to offer something different to the local area, including Indian dosas and fresh fruit juices.

The Chairperson then welcomed Mr. Smallwood. He advised the Committee that he had an airstream-style trailer which had been custom built for his business. He proposed to sell sourdough toasties, locally roasted coffee and locally made traybakes. He also proposed to employ people in the local area.

The Senior Licensing Officer advised the Members that the first application, from Mr. Arputharaj, was received six days before Mr. Smallwood's application.

In response to a Member's query, he clarified that a Food Hygiene rating was awarded after an inspection of the area/vehicle used for food preparation and serving, and was not awarded to a person.

A further Member stated that it was, again, hard to determine which business should be awarded the pitch as both seemed like good businesses. However, he stated that he felt that the Committee should consider awarding the licence to Mr. Smallwood, given that he had invested significant money into the trailer, that it was his intention to use local produce and that he had previously been awarded a five-star food hygiene rating by another Council.

A further Member stated that, in order to be consistent with the previous application, that the licence be granted to the application which had been received first.

Moved by Councillor Ó Néill  
Seconded by Councillor T. Brooks and

Resolved - That the Committee is minded to grant and approve the licence to Mr. Arputharaj and, given the fact that there is only one designated site available, is minded to refuse the licence application to Mr. A. Smallwood on the grounds set out in Section 9 (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which the applicant wishes to trade as a stationary trader is unsuitable and there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade.







<b>Subject:</b>	<b>Competing Stationary Street Trading Licence applications for Boucher Crescent at lamp post number 16</b>
<b>Date:</b>	21 May 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning and Building Control, Ext. 2300
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext. 3375

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

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

Insert number

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

**If Yes, when will the report become unrestricted?**

**After Committee Decision**

**After Council Decision**

**Sometime in the future**

**Never**


<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	<b>Yes</b> <input checked="checked" type="checkbox"/> <b>No</b> <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider two separate and competing Street Trading Licence applications to trade at the designated site in Boucher Crescent at lamp post number 16.
1.2	The site is designated to allow for the sale of hot food and non-alcoholic beverages. Both applications comply with the designating resolution for the site.
1.3	Members are reminded that the normal process for dealing with competing Street Trading Licence applications is that they are brought to the Committee's attention for consideration.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 3.5, and decide whether it is:</p> <ol style="list-style-type: none"> <li>1. Minded to grant and approve the Licence to Mr Ajithjosedaniel Arputharaj; or</li> <li>2. Minded to grant and approve the Licence to Mr Aaron Smallwood; or</li> <li>3. Minded to grant and approve the Licence to one of the applicants with additional Conditions, and then;</li> <li>4. Minded to refuse the Licence application under the discretionary grounds as outlined at paragraph 3.3 below, of the applicant who has not been granted a Licence.</li> </ol>
2.2	When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to grant and refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
<b>3.0</b>	<b>Key Issues</b>
3.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.
3.3	<p>Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.</p> <p>a. That –</p> <ol style="list-style-type: none"> <li>i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> </ol>

	<ul style="list-style-type: none"> <li>ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;</li> <li>iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;</li> <li>iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;</li> <li>v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;</li> </ul> <ul style="list-style-type: none"> <li>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</li> <li>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</li> <li>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</li> <li>e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</li> <li>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</li> <li>g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</li> </ul>
3.4	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.5	Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City. Attached as appendix 3.
3.6	<p>Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <ul style="list-style-type: none"> <li>1. The suitability of the application in the context of the area or street;</li> <li>2. The suitability of allowing more than one application in the area or street;</li> <li>3. The commodities or services which each applicant intends to sell or supply;</li> <li>4. The merits of each application in the context of the character and appearance of the proposed area;</li> <li>5. Whether a mobile trader/a number of mobile traders will affect the character and</li> </ul>

	<p>appearance of the proposed area;</p> <p>6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;</p> <p>7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</p> <p><b><u>Details of the competing applications</u></b></p>
3.7	<p><b>Applicant 1:</b> Mr Ajithjosedaniel Arputharaj has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a black coloured catering trailer measuring 5.5m by 2.1m. His proposed hours of operation are as follows:</p> <ul style="list-style-type: none"> <li>Monday to Sunday from 7.00am to 9.00pm</li> </ul>
3.8	Mr Aprutharaj has not previously held a street trading licence with Belfast City Council.
3.9	Mr Arputharaj is registered with Belfast City Council's Environmental Health Food Safety and is not currently rated as he is awaiting initial inspection.
3.10	<p><b>Applicant 2:</b> Mr Aaron Smallwood has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from an Airstream-style catering trailer measuring 3m by 2m. His proposed hours of operation are as follows:</p> <ul style="list-style-type: none"> <li>Monday to Saturday from 9.00am to 3.30pm</li> </ul>
3.11	Mr Smallwood has not previously held a street trading licence with Belfast City Council.
3.12	Mr Smallwood is registered with North Down and Ards Borough Council's Environmental Health Food Safety and holds a food hygiene rating of 5.
	<b><u>Consultation</u></b>
3.13	The PSNI and DfI Roads Service were consulted regarding this proposal as the site. Their responses are attached as Appendix 1.
3.14	<b>Police Service of Northern Ireland.</b> The police have no objection.
3.15	<b>DFI Roads.</b> The Department have no objection. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; trading is restricted to being conducted on the footway side of the vehicle/stall.
3.16	The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the unit, how the commodities they propose to sell will add to the area and address any concerns with their proposals.
3.17	After considering representations from the applicants, you will then be required to make a decision that you are minded to grant one of the applications and to refuse the other. Committee must give grounds as to why they are minded to refuse an application.
3.18	Committee is reminded that the applicants for the Licence whose application you are minded to refuse will be permitted to make written representation to the Council. Therefore, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date.

3.19	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and</li> <li>• A Licence fee, for Monday to Sunday, of £1250 per annum, or</li> <li>• A Licence fee, for Monday to Saturday, of £1000 per annum.</li> </ul> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
3.20	<p>There are no issues associated with this report.</p>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 - PSNI and DfI Roads Service consultation response</li> <li>• Appendix 2 – Overview of applications</li> <li>• Appendix 3 - Street Trading Licensing Policy</li> </ul>

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

11<sup>th</sup> April 2025

Dear Neil

Mr Ajithjosedaniel Arputharaj      Boucher Crescent at lamppost no 16  
Mr Aaron Smallwood                  Boucher Crescent at lamppost no 16

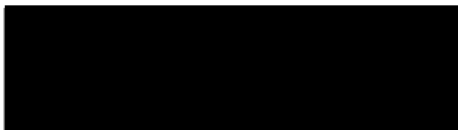
Mon-Sun 0700  
Mon-Sat 0900

Please note that police are offering no objections to the above Street Trading licence applications being further considered and managed by Belfast City Council if all the required paperwork including the Access NI disclosure certificate is in order.

Police are unable to provide any comment on the applicant with only their names being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.



Kind Regards



Licensing Officer, Musgrave Station, Belfast





Neil Melville  
Regulatory Services Officer  
Building Control Service  
Belfast City Council  
Ground Floor,  
Cecil Ward Building  
4 - 10 Linenhall Street  
Belfast  
BT2 8BP

[melvilleN@belfastcity.gov.uk](mailto:melvilleN@belfastcity.gov.uk)

Hydebank House  
4 Hospital Road  
Belfast  
BT8 8JJ

Telephone: 0300 200 7893

Textphone: 028 9054 0022

Email: [Traffic.Eastern@infrastructure-ni.gov.uk](mailto:Traffic.Eastern@infrastructure-ni.gov.uk)

Website: [www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205423

Our Ref: MT 182959-25

Date: 19 March 2025

Dear Mr Melville

#### APPLICATION FOR STATIONARY STREET TRADING LICENCE

<b>OUR REF:</b>	WK/202205423
<b>DATE RECEIVED:</b>	12 March 2025
<b>APPLICANT:</b>	Mr Ajithjosedaniel Arputharaj
<b>LOCATION:</b>	Boucher Crescent at lamp post No.16
<b>TRADING DATE:</b>	Sun: 07:00 - 21:00 Mon: 07:00 - 21:00 Tue: 07:00 - 21:00 Wed: 07:00 - 21:00 Thu: 07:00 - 21:00 Fri: 07:00 - 21:00 Sat: 07:00 - 21:00
<b>OUR COMMENTS:</b>	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1



Neil Melville  
Regulatory Services Officer  
Building Control Service  
Belfast City Council  
Ground Floor,  
Cecil Ward Building  
4 - 10 Linenhall Street  
Belfast  
BT2 8BP

[melvilleN@belfastcity.gov.uk](mailto:melvilleN@belfastcity.gov.uk)

Hydebank House  
4 Hospital Road  
Belfast  
BT8 8JJ

Telephone: 0300 200 7893

Textphone: 028 9054 0022

Email: [Traffic.Eastern@infrastructure-ni.gov.uk](mailto:Traffic.Eastern@infrastructure-ni.gov.uk)

Website: [www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205472

Our Ref: MT 183302-25

Date: 25 March 2025

Dear Mr Melville

#### APPLICATION FOR STATIONARY STREET TRADING LICENCE

<b>OUR REF:</b>	WK/202205472
<b>DATE RECEIVED:</b>	24 March 2025
<b>APPLICANT:</b>	Mr Aaron Smallwood
<b>LOCATION:</b>	Boucher Crescent at lamp post No.16
<b>TRADING DATE:</b>	Mon: 09:00 – 15:30 Tue: 09:00 – 15:30 Wed: 09:00 – 15:30 Thu: 09:00 – 15:30 Fri: 09:00 – 15:30 Sat: 09:00 – 15:30
<b>OUR COMMENTS:</b>	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1

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## Appendix 2

## Overview comments based on Section 5 of the Street Trading Policy regarding competing licence applications

පිටු 045

Policy	Council comments	Mr Arputharaj (applied 6/3/25)	Mr Smallwood (applied 12/3/25)
<i>The suitability of the application in the context of the area or street;</i>	Hot food has been sold here for several years using a catering trailer.	Proposing to use a catering trailer.	Proposing to use a Airstream-style catering trailer.
<i>The suitability of allowing more than one application in the area or street;</i>	Only one site is designated.		
<i>The commodities or services which each applicant intends to sell or supply;</i>	Hot food and non-alcoholic beverages sold here for many years	Hot food and non-alcoholic beverages	Hot food and non-alcoholic beverages
<i>The merits of each application in the context of the character and appearance of the proposed area;</i>	Site has had Hot food sold there for a number of years using a catering trailer.	Applicant provided a photo of his trailer. Proposes to trade Monday to Sunday from 7.00am to 9.00pm	Applicant provided a photo of his trailer. Proposes to trade Monday to Saturday from 9.00am to 3.30pm
<i>Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</i>	There are already several retail food, restaurant, take away premises selling hot food in the area.		

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### Appendix 3

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Place and Economy Department	Edition/Issue No.	1/1
<b>Street Trading Licensing Policy</b> (March '11)	Issue Date	March 2011
	Reference:	Updated (Competing)
	Service:	Building Control

### C O N T E N T S

	Page	Paragraph
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References	2	3
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## **1 Purpose**

By virtue of Section 5 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Stationary or Mobile Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

## **2 Scope**

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary or Mobile Licence.

## **3 References**

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

## **4 General Principles**

4.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.

4.2 Belfast City Council may consult with -

- (a) The Police District Command Unit in which the streets are situated;
- (b) The Department for Infrastructure as regards that Department's functions with respect to roads and regulation of road traffic;

4.3 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:

- (a) Belfast Chamber of Trade and Commerce.
- (b) Business Improvement District
- (c) Nearby Street Trading Licence holders who may be affected.
- (d) Business, commercial and residential premises in the vicinity of the trading area in respect of which the application has been received.
- (e) N.I. Ambulance Service and /or other Emergency Services
- (f) National Market Traders Federation

4.4 Without prejudice to it's right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, Belfast City Council may take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the area, street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
- (h) Previous complaints arising from any Street Trading activities in that area, street or part thereof.
- (i) The views, reports or opinions of such consultees as appear to the Council to be material.
- (j) The suitability of the applicant.

4.5 Belfast City Council will refuse an application under Section 5 of the Act (Mandatory grounds for refusing an application) if the applicant-

- (a) Is not an individual; or
- (b) Has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (c) If the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.
- (d) In a street which is not a designated street;
- (e) In any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

4.6 Belfast City Council may refuse an application under Section 5 of the Act (Discretionary grounds for refusing an application) if -

- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
- (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
- (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
- (d) There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
- (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;



- (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
  - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
  - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
  - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
  - (j) That the applicant has failed to provide the particulars required by the council to deal with the application;
  - (k) That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
- 4.7 If the Council considers that grounds for refusal exist under subsection (1) (d) of the Act, it may grant the applicant a licence subject to conditions which permit him-
- (a) To trade on fewer days or during a shorter period in each day than is specified in the application; or
  - (b) To trade in a different designated street or in a different area from that specified in the application.

## **5. Competing Applications**

- 5.1 In the event that there are two or more applications for a licence in a designated site or there are multiple mobile licence applications for a similar geographical area within the City, each applicant will be invited to address the Licensing Committee by making a short presentation which may be followed by questions from Members (the presentation should include matters such as how the business will be operated, the design of the stall, how the commodities which are proposed to be sold will add to the area, etc. Where appropriate the applicant may also address any concerns or objections to their proposal).
- 5.2 In determining an application under this section, the Council may take into account any consideration which it deems appropriate and will take into account the discretionary grounds for refusal already detailed in paragraph 4.6.
- 5.3 Without prejudice to the above, the Council may also take the following into account:
- (a) The suitability of the application in the context of the area or street;
  - (b) The suitability of allowing more than one application in the area or street;
  - (c) The commodities or services which each applicant intends to sell or supply;
  - (d) The merits of each application in the context of the character and appearance of the proposed area;
  - (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
  - (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
  - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

- 5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

Laura Hillis  
Principal Building Control Surveyor  
Belfast City Council  
Place and Economy Department  
Cecil Ward Building  
4-10 Linenhall Street  
Belfast BT2 8BP

Date: 16<sup>th</sup> June 2025

Dear Ms. Hillis,

### **Disagreement with the Proposed Refusal of My Street Trading Licence Application**

I am writing to formally express my disagreement with the Council's recent indication that my application for a Street Trading Licence has been minded to be refused.

Firstly, I would like to highlight that during the recent committee meeting, the first male participant clearly agreed that my business, the toastie co, should be granted the street trading pitch based on the positive contribution we would bring to the local community. This was a recognition of the value and uniqueness of my offerings, which include signature roasted house blend coffee, local baked goods, and high-quality toasties.

However, the second lady on the committee refused my proposal, citing the presence of the other party, who she claimed was selling toasties. It's important to clarify that this other vendor does not sell toasties. Instead, he sells loaded fries, tacos, burgers, wraps, salads, and pancakes. He is a private individual who is located on the other side of Balmoral Estate.

Furthermore, Mr. A Arputharaj applied for the pitch six days before I did. His operation involves Indian cuisine and has only been in the UK for three years. He plans to bring family members and spices from abroad, which does not support local sourcing. He is trading Indian food seven days a week from the hours of 7am to 9pm on Boucher Crescent with dishes priced at only £1.00. I believe such a setup should not have been passed by the committee, especially considering its scale and nature.

I have invested thousands of pounds into my business, working with local suppliers for sourdough bread, Bailies Coffee Roasters for our house blend coffee, and sourcing vegetables and cheese locally. My business is committed to supporting local jobs and the local economy, aligning with the community spirit and policies of the Council.

Given the initial agreement during the committee meeting and the points outlined above, I believe the decision to refuse my application is unfair and possibly influenced by factors beyond the merit of my proposal. I respectfully request that my case be reconsidered, taking into account the substantial local investment I have made and the positive contribution I would bring.

Thank you for your attention to this matter. I look forward to your response.

Yours sincerely,

Aaron Smallwood

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## Appendix 3

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Place and Economy Department	Edition/Issue No.	1/1
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	Reference:	Updated (Competing)
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## C O N T E N T S

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The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

## **2 Scope**

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary or Mobile Licence.

## **3 References**

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

## **4 General Principles**

4.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.

4.2 Belfast City Council may consult with -

- (a) The Police District Command Unit in which the streets are situated;
- (b) The Department for Infrastructure as regards that Department's functions with respect to roads and regulation of road traffic;

4.3 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:

- (a) Belfast Chamber of Trade and Commerce.
- (b) Business Improvement District
- (c) Nearby Street Trading Licence holders who may be affected.
- (d) Business, commercial and residential premises in the vicinity of the trading area in respect of which the application has been received.
- (e) N.I. Ambulance Service and /or other Emergency Services
- (f) National Market Traders Federation

4.4 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, Belfast City Council may take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the area, street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
- (h) Previous complaints arising from any Street Trading activities in that area, street or part thereof.
- (i) The views, reports or opinions of such consultees as appear to the Council to be material.
- (j) The suitability of the applicant.

4.5 Belfast City Council will refuse an application under Section 5 of the Act (Mandatory grounds for refusing an application) if the applicant-

- (a) Is not an individual; or
- (b) Has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (c) If the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.
- (d) In a street which is not a designated street;
- (e) In any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

4.6 Belfast City Council may refuse an application under Section 5 of the Act (Discretionary grounds for refusing an application) if -

- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
- (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
- (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
- (d) There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
- (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;

- (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
  - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
  - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
  - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
  - (j) That the applicant has failed to provide the particulars required by the council to deal with the application;
  - (k) That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
- 4.7 If the Council considers that grounds for refusal exist under subsection (1) (d) of the Act, it may grant the applicant a licence subject to conditions which permit him-
- (a) To trade on fewer days or during a shorter period in each day than is specified in the application; or
  - (b) To trade in a different designated street or in a different area from that specified in the application.

## **5. Competing Applications**

- 5.1 In the event that there are two or more applications for a licence in a designated site or there are multiple mobile licence applications for a similar geographical area within the City, each applicant will be invited to address the Licensing Committee by making a short presentation which may be followed by questions from Members (the presentation should include matters such as how the business will be operated, the design of the stall, how the commodities which are proposed to be sold will add to the area, etc. Where appropriate the applicant may also address any concerns or objections to their proposal).
- 5.2 In determining an application under this section, the Council may take into account any consideration which it deems appropriate and will take into account the discretionary grounds for refusal already detailed in paragraph 4.6.
- 5.3 Without prejudice to the above, the Council may also take the following into account:
- (a) The suitability of the application in the context of the area or street;
  - (b) The suitability of allowing more than one application in the area or street;
  - (c) The commodities or services which each applicant intends to sell or supply;
  - (d) The merits of each application in the context of the character and appearance of the proposed area;
  - (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
  - (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
  - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.



- 5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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<b>Subject:</b>	<b>Final decision on competing Stationary Street Trading Licence applications for Duncrue Link 50ft from the junction with Duncrue Road, for which appeal received.</b>
<b>Date:</b>	20 August 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control, ext. 2300
<b>Contact Officer:</b>	Laura Hillis, Principal Building Control Surveyor, Ext. 2469

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

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

Insert number

☐

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Members are reminded that, at your meeting of 21 May 2025, you considered two separate Street Trading Licence Applications from Ms Vanessa Kemp and Mr Daniel Smith to trade at the designated site in Duncrue Link 50ft from the junction with Duncrue Road.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Ms Kemp a Stationary Street Trading Licence to sell hot food and non-alcoholic beverages from a catering van Monday to Friday from 7.00am to 5.00pm. One of the reasons given for that decision was that, in line with previous decisions, the street trading licence should be awarded to the application received first.
1.3	The result of that decision means that the single Designated Street Trading Site is taken and as such there is no suitable location for the other applicant and also now sufficient traders trading in the street, in the articles, things or services in which the successful applicant wanted to trade.
1.4	As a consequence, the Committee agreed that you were minded to refuse the application submitted by Mr Smith.
1.5	A copy of the report and minutes from that meeting is attached as Appendix 1.
1.6	Mr Smith has submitted a written representation to appeal your decision, which Committee must now consider, before arriving at your final decision on the competing street trading applications for this designated site.
<b>2.0</b>	<b>Recommendations</b>
2.1	Members must agree either to: <ul style="list-style-type: none"> <li>1. Uphold the initial decision of the 21 May 2025 and grant the licence to Miss Vanessa Kemp and refuse the other application, or</li> <li>2. Amend its decision of 21 May 2025.</li> </ul>
2.2	If Members uphold the initial decision and grant the licence to Ms Kemp, refusing to grant the licence to Mr Smith, Mr Smith has a right of appeal to the Magistrates Court against the refusal.
2.3	On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide. The Licence would only be granted on a 1-year basis, as is normal for applications from traders that have previously not held a street trading licence in Belfast.
2.4	If Members amend their decision of 21 May 2025, the Committee should give the grounds for so doing and, as the Committee will be making new minded-to decisions concerning the applications, a date for a special meeting must be arranged to hear from the relevant applicant again before making the final decision.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>

3.1	As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Ms Kemp, the Committee agreed that it was minded to refuse the application which had been submitted by Mr Smith.
3.2	That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which he wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which he wished to trade.
3.3	Mr Smith has submitted a written appeal against your decision through his solicitors, Brentnall Legal Limited, a copy of which is attached as Appendix 2.
3.3	<p>Mr Smith's solicitor outlines that:</p> <ul style="list-style-type: none"> <li>• The Council has no specific concern in relation to Mr Smith's application which was made entirely properly,</li> <li>• That refusal under Section 9 of the Street Trading Act (NI) 2001 are discretionary grounds as opposed to mandatory grounds</li> <li>• That the Council have exercised their discretion to refuse Mr Smith's application, given another licence has been issued.</li> <li>• Noted that Miss Kemp applied on 20 January 2025 and Mr Smith applied on 3 March 2025, and they have not had sight of any reasons for the decision and their client understands that it may therefore simply be the case of the Council opting to grant the licence on a 'first-come first served basis'.</li> </ul>
3.4	<p>They consider that it may be helpful for the Council to be aware that:</p> <ul style="list-style-type: none"> <li>• Firth's Foods has been based at Duncrue Link for nearly 40 years and the van in Mr Smith's application has been there for over 10 years.</li> <li>• The previous owner Mr Brian Firth had to give up the business for personal reasons in late 2024, and due to these circumstances, the street trading licence lapsed. Mr Smith agreed to take over the business and apply for a new street trading licence.</li> <li>• There is an existing member of staff who has worked there for a number of years, and essentially Mr Smith proposes to simply continue the business in the same responsible fashion as the previous licence holder.</li> <li>• When the decision was made to grant the licence in favour of Miss Kemp, as opposed to Mr Smith, one reason given was that there was an existing hygiene rating in favour of Ms Kemp.</li> <li>• Mr Smith did not have a hygiene rating for reasons of the circumstances outlined, however Mr Firth consistently had a hygiene rating of 5, and Mr Smith's clear intention would be to maintain this rating, especially given the staff and features of the business would remain the same.</li> <li>• Ms Kemp's father operates a food stand some 2 streets away and while the application was made by Ms Kemp, the presentation was made by Ms Kemp's father, giving a concern about a degree of monopolisation, in circumstances where an existing business has already been present for many years.</li> </ul>
3.5	Mr Smith's solicitor outlines that the difficulty arising appears to be that there does not seem to be a particularly detailed scoring mechanism and that neither the Act or the guide to the Act provide any detailed guidance about what considerations should be given when deciding whether competing applications should be granted.

3.6	Mr Smith's solicitor concludes that the fundamental point on behalf of their client is that basic fairness should dictate that the previous business should be allowed to continue, and that effectively the sad circumstances in which the licence have lapsed have led to the loss of this business.
4.0	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and a Licence fee, for Monday to Friday, of £800 per annum.</li> </ul>
5.0	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
6.0	<p><b>Appendices – Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 –Minutes and Report from 21 May 2025 Committee Meeting.</li> <li>• Appendix 2 – Mr Smith's Written Representation</li> <li>• Appendix 3 – Street Trading Licensing Policy</li> </ul>

**Competing Stationary Street Trading Licence applications for Duncrue Link 50ft from the junction with Duncrue Road**

The Senior Licensing Officer advised the Committee that it was being asked to consider two competing Stationary Street Trading Licence applications to trade at a designated site in Duncrue Link. The site was designated to allow for the sale of hot food and non-alcoholic beverages and both applications complied with the designating resolution for the site.

The first application was received from Ms. Vanessa Kemp. She had applied to sell hot food and non-alcoholic beverages from a catering van measuring 5.5m by 2.15m. Her proposed hours of operation were Monday to Friday, 7.00am to 5.00pm. Miss. Kemp had not previously held a street trading licence with Belfast City Council but was registered with the Council's Environmental Health Food Safety and had a food hygiene rating of 5.

The second application was from Mr. Daniel Smith. He had applied to sell hot food and non-alcoholic beverages from a catering van measuring 7.92m by 2.44m. His proposed hours of operation were Monday to Friday, 8.00am to 2.30pm. Mr. Smith had not previously held a street trading licence with Belfast City Council. He was registered with the Council's Environmental Health Food Safety and was awaiting initial inspection.

The PSNI and DFI Roads had been consulted and had no objections to either application, subject to correct vehicle positioning.

The Chairperson advised the Committee that the two applicants were in attendance to outline their proposals for the site. He invited Ms. Kemp and her father, Mr. A. Kemp, to address the Committee first.

Mr. Kemp outlined that his daughter had been working in the catering trade for 15 years and that he had a Street Trading Licence with the Council. He queried why, after her application, which had been lodged in January 2025 and subsequently marked as "pending approval", was a further application accepted for the same site, in March 2025.

In regards to the process, the Senior Licensing Officer explained that the Council had no power to refuse an application and it had to be considered.

In response to a further Member's query regarding the process, he further explained that there was no time limit for a street trading licence application and, had the consultation been completed on the first application received, with no objections, it would most likely have been processed and issued. He added that officers published the term "pending" beside any live applications on the website to try and discourage additional applications from being submitted and that applicants were advised if they were the second or third applicant, for example.

The Chairperson then welcomed Mr. D. Smith to the meeting.

Mr. Smith advised the Committee that he had purchased the van off the trader who had previously operated at the site for around forty years, as the previous trader's wife had become unwell. Mr. Smith stated that the previous trader's niece had continued to work for him, along with the same menu offering, staff and suppliers.

A Member requested information from both traders in respect of their food receptacles and their waste products.

During discussion, some Members stated that they felt that the licence should be given to Mr. Smith, as he had stated that he would be operating at the site with the same menu and staff that had been trading in the area for 40 years.

In response to Members' comments, the Solicitor advised the Committee that the two applications before the Committee were both new applications, as the previous business which had been operating from that site had ceased trading in December 2024.

Other Members stated that they felt that the licence should be granted to Ms. Kemp, given that her application had been lodged with the Council first.

A further Member stated that one of the applicants had a food safety rating. A further Member added that you could only get a rating when you began trading and to use that reasoning would be unfair to any new business.

A number of Members stated that they felt that the process was somewhat confusing.

The Director agreed to bring a report to a future meeting in order to further clarify and, where possible, simplify the process for the Committee's consideration of competing Street Trading Licence applications.

### **Proposal**

Moved by Councillor Ó Néill,  
Seconded by Councillor T. Kelly,

That the Committee is minded to grant and approve the licence to Mr. Smith and minded to refuse the licence application to Ms. V. Kemp under the discretionary grounds within Section 9 of the Street Trading Act (Northern Ireland) 2001.

### **Amendment**

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

That the Committee is minded to grant and approve the licence to Ms. V. Kemp and given the fact that there is only one designated site available, is minded to refuse the licence application to Mr. D. Smith on the grounds set out in Section 9 (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which the applicant wishes to trade as a stationary trader is unsuitable and there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade.

On a vote on the Amendment, standing in the name of Councillor Douglas, eight Members voted for it and seven Members against and it was accordingly declared carried.







<b>Subject:</b>	<b>Competing Stationary Street Trading Licence applications for Duncrue Link 50ft from the junction with Duncrue Road</b>
<b>Date:</b>	21 May 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control, ext. 2300
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext. 3375

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

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

Insert number

☐

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider two separate and competing Street Trading Licence applications to trade at the designated site in Duncrue Link 50ft from the junction with Duncrue Road.
1.2	The site is designated to allow for the sale of hot food and non-alcoholic beverages. Both applications comply with the designating resolution for the site.
1.3	Members are reminded that the normal process for dealing with competing Street Trading Licence applications is that they are brought to the Committee's attention for consideration
<b>2.0</b>	<b>Recommendations</b>
2.1	Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 3.5, and decide whether it is: <ul style="list-style-type: none"> <li>1. Minded to grant and approve the Licence to Miss Vanessa Kemp; or</li> <li>2. Minded to grant and approve the Licence to Mr Daniel Smith; or</li> <li>3. Minded to grant and approve the Licence to one of the applicants with additional Conditions, and then;</li> <li>4. Minded to refuse the Licence application under the discretionary grounds as outlined at paragraph 3.3 below, of the applicant who has not been granted a Licence.</li> </ul>
2.2	When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to grant and refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
<b>3.0</b>	<b>Key Issues</b>
3.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.
3.3	Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application. <ul style="list-style-type: none"> <li>a. That – <ul style="list-style-type: none"> <li>i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> <li>ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;</li> <li>iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;</li> <li>v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;</li> </ul> <ul style="list-style-type: none"> <li>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</li> <li>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</li> <li>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</li> <li>e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</li> <li>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</li> <li>g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</li> </ul>
3.4	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.5	Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City. Attached as appendix 3.
3.6	<p>Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <ul style="list-style-type: none"> <li>1. The suitability of the application in the context of the area or street;</li> <li>2. The suitability of allowing more than one application in the area or street;</li> <li>3. The commodities or services which each applicant intends to sell or supply;</li> <li>4. The merits of each application in the context of the character and appearance of the proposed area;</li> <li>5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</li> <li>6. Any potential adverse impact caused to the character and appearance of the proposed</li> </ul>

	location by the application, by a mobile trader or by a number of mobile traders;
	7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.
	<b><u>Details of the competing applications</u></b>
3.7	<b>Applicant 1:</b> Miss Vanessa Kemp has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a catering van measuring 5.5m by 2.15m. Her proposed hours of operation are as follows: <ul style="list-style-type: none"> <li>Monday to Friday from 7.00am to 5.00pm</li> </ul>
3.8	Miss Kemp has not previously held a street trading licence with Belfast City Council.
3.9	Miss Kemp is registered with Belfast City Council's Environmental Health Food Safety and has a food hygiene rating of 5.
3.10	<b>Applicant 2:</b> Mr Daniel Smith has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a catering van measuring 7.92m by 2.44m. His proposed hours of operation are as follows: <ul style="list-style-type: none"> <li>Monday to Friday from 8.00am to 2.30pm</li> </ul>
3.11	Mr Smith has not previously held a street trading licence with Belfast City Council.
3.12	Mr Smith is registered with Belfast City Council's Environmental Health Food Safety and is not currently rated as he is awaiting initial inspection.
	<b><u>Consultation</u></b>
3.13	The PSNI and DfI Roads Service were consulted regarding this proposal as the site. Their responses are attached as Appendix 1.
3.14	<b>Police Service of Northern Ireland.</b> The police have no objection.
3.15	<b>DFI Roads.</b> The Department have no objection. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; trading is restricted to being conducted on the footway side of the vehicle/stall
3.16	The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the trading unit, how the commodities they propose to sell will add to the area and address any concerns with their proposals.
3.17	After considering representations from the applicants, you will then be required to make a decision that you are minded to grant one of the applications and to refuse the other. Committee must give grounds as to why they are minded to refuse an application.
3.18	Committee is reminded that the applicants for the Licence whose application you are minded to refuse will be permitted to make written representation to the Council. As a consequence, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date.
	<b><u>Financial &amp; Resource Implications</u></b>

3.19	<p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and</li> <li>• A Licence fee, for Monday to Friday, of £800 per annum.</li> </ul> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
3.20	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 - PSNI and DfI Roads Service consultation responses</li> <li>• Appendix 2 – Overview of applications</li> <li>• Appendix 3 - Street Trading Licensing Policy</li> </ul>

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

11<sup>th</sup> March 2025

Dear Neil

**Name of applicant:** Miss Vanessa Kemp

**Site/Route:** Duncrue Link 50ft from junction with Duncrue Road

**Proposal:** Hot food and beverages

**Operating Hours:** Mon-Fri 0700hrs to 1700hrs

Please note that police are offering no objections to the above Street Trading licence application being further considered and managed by Belfast City Council if all the required paperwork including the Access NI disclosure certificate is in order.

Police are unable to provide any comment on the applicant with only his name being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

[Redacted Signature]  
Licensing Officer, Musgrave Station, Belfast



**Network Traffic, Street Lighting and  
Transportation  
Eastern Division**



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Neil Melville  
Regulatory Services Officer  
Building Control Service  
Belfast City Council  
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[melvilleN@belfastcity.gov.uk](mailto:melvilleN@belfastcity.gov.uk)

Hydebank House  
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BT8 8JJ

Telephone: 0300 200 7893

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Email: [Traffic.Eastern@infrastructure-ni.gov.uk](mailto:Traffic.Eastern@infrastructure-ni.gov.uk)

Website: [www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205224

Our Ref: MT 180723-25

Date: 29 January 2025

Dear Mr Melville

**APPLICATION FOR STATIONARY STREET TRADING LICENCE**

<b>OUR REF:</b>	MT 180723-25
<b>DATE RECEIVED:</b>	23 January 2025
<b>APPLICANT:</b>	Ms Vanessa Kemp
<b>LOCATION:</b>	Duncrue Link 50ft from junction with Duncrue Road
<b>TRADING DATE:</b>	Mon: 07:00 - 17:00 Tue: 07:00 - 17:00 Wed: 07:00 - 17:00 Thu: 07:00 - 17:00 Fri: 07:00 - 17:00
<b>OUR COMMENTS:</b>	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1





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

20<sup>th</sup> April 2025

Dear Neil

**Name of applicant:** Daniel Smith

**Site/Route:** Duncrue Link 50ft from junction with Duncrue Road

**Proposal** Hot food and beverages  
7.92 m by 2.44m

**Operating Hours:** Mon-Fri 0800hrs to 1430hrs

Please note that police are offering no objections to the above no alcohol Street Trading licence application being further considered and managed by Belfast City Council if all the required paperwork including the Access NI disclosure certificate is in order.

Police are unable to provide any comment on the applicant with only their names being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

[Redacted Signature]  
Licensing Officer, Musgrave Station, Belfast



Neil Melville  
Regulatory Services Officer  
Building Control Service  
Belfast City Council  
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Website: [www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205422

Our Ref: MT 182958-25

Date: 19 March 2025

Dear Mr Melville

#### APPLICATION FOR STATIONARY STREET TRADING LICENCE

<b>OUR REF:</b>	WK/202205422
<b>DATE RECEIVED:</b>	12 March 2025
<b>APPLICANT:</b>	Mr Daniel Smith
<b>LOCATION:</b>	Duncrue Link 50ft from junction with Duncrue Road
<b>TRADING DATE:</b>	Mon: 08:00 - 14:30 Tue: 08:00 - 14:30 Wed: 08:00 - 14:30 Thu: 08:00 - 14:30 Fri: 08:00 - 14:30
<b>OUR COMMENTS:</b>	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1

## Appendix 2

## Overview comments based on Section 5 of the Street Trading Policy regarding competing licence applications

Policy	Council comments	Miss Kemp (applied 20/01/25)	Mr Smith (applied 03/03/25)
<i>The suitability of the application in the context of the area or street;</i>	Hot food has been sold here for several years using a catering trailer.	Proposing to use a catering van.	Proposing to use a catering van.
<i>The suitability of allowing more than one application in the area or street;</i>	Only one site is designated.		
<i>The commodities or services which each applicant intends to sell or supply;</i>	Hot food and non-alcoholic beverages sold here for many years	Hot food and non-alcoholic beverages	Hot food and non-alcoholic beverages
<i>The merits of each application in the context of the character and appearance of the proposed area;</i>	Site has had Hot food sold there for a number of years using a catering trailer.	Applicant provided a photo of her van.	Applicant provided a photo of his van.
<i>Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</i>	There are already several retail food, restaurant, take away premises and Street Traders selling hot food in the area.		

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### Appendix 3

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Place and Economy Department	Edition/Issue No.	1/1
<b>Street Trading Licensing Policy</b> (March '11)	Issue Date	March 2011
	Reference:	Updated (Competing)
	Service:	Building Control

### C O N T E N T S

	Page	Paragraph
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## **1 Purpose**

By virtue of Section 5 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Stationary or Mobile Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

## **2 Scope**

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary or Mobile Licence.

## **3 References**

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

## **4 General Principles**

4.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.

4.2 Belfast City Council may consult with -

- (a) The Police District Command Unit in which the streets are situated;
- (b) The Department for Infrastructure as regards that Department's functions with respect to roads and regulation of road traffic;

4.3 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:

- (a) Belfast Chamber of Trade and Commerce.
- (b) Business Improvement District
- (c) Nearby Street Trading Licence holders who may be affected.
- (d) Business, commercial and residential premises in the vicinity of the trading area in respect of which the application has been received.
- (e) N.I. Ambulance Service and /or other Emergency Services
- (f) National Market Traders Federation

4.4 Without prejudice to it's right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, Belfast City Council may take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the area, street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
- (h) Previous complaints arising from any Street Trading activities in that area, street or part thereof.
- (i) The views, reports or opinions of such consultees as appear to the Council to be material.
- (j) The suitability of the applicant.

4.5 Belfast City Council will refuse an application under Section 5 of the Act (Mandatory grounds for refusing an application) if the applicant-

- (a) Is not an individual; or
- (b) Has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (c) If the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.
- (d) In a street which is not a designated street;
- (e) In any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

4.6 Belfast City Council may refuse an application under Section 5 of the Act (Discretionary grounds for refusing an application) if -

- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
- (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
- (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
- (d) There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
- (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;



- (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
  - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
  - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
  - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
  - (j) That the applicant has failed to provide the particulars required by the council to deal with the application;
  - (k) That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
- 4.7 If the Council considers that grounds for refusal exist under subsection (1) (d) of the Act, it may grant the applicant a licence subject to conditions which permit him-
- (a) To trade on fewer days or during a shorter period in each day than is specified in the application; or
  - (b) To trade in a different designated street or in a different area from that specified in the application.

## **5. Competing Applications**

- 5.1 In the event that there are two or more applications for a licence in a designated site or there are multiple mobile licence applications for a similar geographical area within the City, each applicant will be invited to address the Licensing Committee by making a short presentation which may be followed by questions from Members (the presentation should include matters such as how the business will be operated, the design of the stall, how the commodities which are proposed to be sold will add to the area, etc. Where appropriate the applicant may also address any concerns or objections to their proposal).
- 5.2 In determining an application under this section, the Council may take into account any consideration which it deems appropriate and will take into account the discretionary grounds for refusal already detailed in paragraph 4.6.
- 5.3 Without prejudice to the above, the Council may also take the following into account:
- (a) The suitability of the application in the context of the area or street;
  - (b) The suitability of allowing more than one application in the area or street;
  - (c) The commodities or services which each applicant intends to sell or supply;
  - (d) The merits of each application in the context of the character and appearance of the proposed area;
  - (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
  - (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
  - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

- 5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.



FAO Ms. Laura Hills and Mr. Ian Harper  
Belfast City Council  
Place and Economy Department  
Cecil Ward Building  
4-10 Linenhall Street  
Belfast  
BT2 8BP

(By Email)

1<sup>st</sup> July 2025

Dear Sir/Madam,

**Our Client: Mr. Daniel Smith**  
**In the Matter of an Application pursuant to the Street Trading Act (Northern Ireland) 2001**

We refer to our above-named client ("the Applicant") who has passed your recent correspondence to our office dated 13<sup>th</sup> June 2025.

The correspondence confirms that Mr. Smith's application for a Stationary Street Trading Licence at Duncrue Link was refused. As per Section 12(2) of the 2001 Act, Mr. Smith was notified of his right to make representations in relation to this decision. We make these representations below on our client's behalf:

**Street Trading Act (Northern Ireland) 2001**

As per your correspondence dated 13<sup>th</sup> June 2025, the Council will of course be aware that the relevant legislation is the Street Trading Act (Northern Ireland) 2001. The council decision to refuse Mr. Smith's application was pursuant to Section 9(i) and (iv) of the Act, namely that the location at which the Applicant wishes to trade as a stationary trader is unsuitable and there are sufficient traders trading in the street, or at premises adjoining it, in the articles things or services in which the Applicant wishes to trade.

**Representations**

It would appear on our instructions that the refusal automatically flows from the grant of a separate licence to a Ms. Victoria Kemp, i.e. that no specific concern arises in relation to our client's application, which appears to have been made





entirely properly. In essence, the nature of the decision appears to be that the granting of a licence to Ms. Kemp therefore automatically leads to the refusal for Mr. Smith on foot of Section 9. It should also be noted that refusals pursuant to Section 9 are discretionary grounds as opposed to mandatory grounds envisaged in Section 8 of the Act.

In short, the Council have exercised their discretion to refuse Mr. Smith's application, given that another licence has been issued.

We have had sight of "*Appendix 2 – Overview comments regarding competing licence applications*" which sets out the council comments in relation to both applications. We note that Miss Kemp applied on 20<sup>th</sup> January 2025, and Mr. Smith applied on 3<sup>rd</sup> March 2025.

We have not had sight of any reasons for the decision to issue the licence to Ms. Kemp and not to our client – our client understands that it may therefore simply be a case of the Council opting to grant a licence on a 'first-come first-served' basis, albeit this is not confirmed in writing.

To assist with these representations, it may therefore be helpful for the Council to be aware of the following:

- We are instructed that, as per the application, Firth's Foods has been based at Duncrue Link for nearly 40 years. The van in question provided by our client in his application has been there for 10+ years.
- The previous owner Mr. Brian Firth had operated the business during that time. However, in late 2024, Mr. Firth's father passed away. Mr. Firth's wife has sadly suffered from Dementia, and this bereavement meant that Mr. Firth then had to give up the business in order to take care of his wife.
- It was in those circumstances that the licence lapsed, and our client then agreed to take over the business and apply for a new licence.
- There is an existing member of staff who has worked there for a number of years, and essentially our client proposes to simply continue the business in the same responsible fashion as the previous licence holder.
- It is also understood that Ms. Kemp's father operates a food stand some 2 streets away, and this new application is for another food stand. Although the application in this instance was made by Ms. Victoria Kemp, our





instructions are that the presentation itself was made by Ms. Kemp's father who operates the other existing site.

- Furthermore, our client's instructions are that when the decision was made to grant a licence in favour of Ms. Kemp (as opposed to our client), one reason given for this was that there was an existing hygiene rating in favour of Ms. Kemp. Clearly from our client's perspective, we have outlined the circumstances above as to why our client did not have an existing hygiene rating. It is understood that Mr. Firth consistently had a hygiene rating of 5, and therefore our client's clear intention would be to maintain this positive rating, especially given that the staff and features of the business would remain the same.
- The difficulty arising appears to be that there does not seem to be a particularly detailed scoring matrix in terms of applications, and indeed the Act itself nor the Guide to the Street Trading Act (Northern Ireland) 2001 do not provide any further detailed guidance about what considerations should be given when deciding whether competing licence applications should be granted.

However, the fundamental point on behalf of our clients is that basic fairness should dictate that the previous business should be allowed to continue, and that effectively, the sad circumstances in which the licence has lapsed have led to the loss of the business. This may be regarded as particularly unfair, given that the competing application already has a similar business only 2 streets away, with a concern on behalf of our client about a degree of monopolisation, in circumstances where an existing business had already been present for many years.

For that reason, our client would respectfully ask for a reconsideration of this decision.

Section 13(c) of the Act permits a person aggrieved by a decision of a council to refuse an application for a licence to appeal to a Court of summary jurisdiction by notice under Part VII of the Magistrates Courts (Northern Ireland) Order 1981.

While this option remains open to our client, it is hoped that these representations will assist the Council in reconsidering the decision under challenge in this instance. In that respect, our client would wish to make these representations first, and await any fresh decision by the council, before pursuing the issue of an appeal pursuant to Section 13.



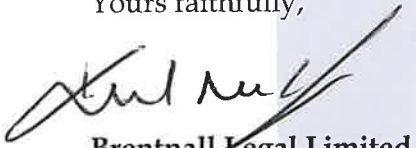




**BRENTNALL**  
LEGAL LIMITED

Many thanks in advance, and we look forward to hearing from you.

Yours faithfully,

  
Brentnall Legal Limited

info@brentnall-legal.com  
www.brentnall-legal.com



Office Suite A  
184 Ormeau Road  
Belfast, BT7 2ED



02890 312 355



## Appendix 3

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Place and Economy Department	Edition/Issue No.	1/1
<b>Street Trading Licensing Policy</b> (March '11)	Issue Date	March 2011
	Reference:	Updated (Competing)
	Service:	Building Control

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- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
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- (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;

- (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
  - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
  - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
  - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
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  - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

- 5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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<b>Subject:</b>	<b>Applications for the Grant of Indoor and Outdoor Entertainments Licences for Liquid, 10-14 Tomb Street</b>
<b>Date:</b>	20 August 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control, ext. 2300
<b>Contact Officer:</b>	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

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

Insert number

☐

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the grant of a 7-Day Annual Indoor Entertainments Licence based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind and an application for the grant of a 7-Day Annual Outdoor Entertainments Licence to provide outdoor musical entertainment.		
	Area and Location	Ref. No.	Applicant
	Liquid 10-14 Tomb Street Belfast BT1 3AS	WK/2022/05620 WK/2020/05621	Mr Malachy Houston The River Rooms Belfast Ltd 6 Hughenden Avenue Belfast, BT15 5DB
1.2	A location map is attached as Appendix 1.		
2.0	Recommendations		
2.1	Taking into account the information presented and any representations made in respect of the applications Members are required to consider the applications and to:		
	a) Approve either or both of the applications for the grant of the 7-Day Annual Indoor and Outdoor Entertainments Licences, or b) Approve either or both of the applications for the grant with special conditions, or c) Refuse either or both of the applications for the grant of the 7-Day Annual Indoor and Outdoor Entertainments Licences.		
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 – Key issues		
	<u>Details of the Premises and Proposals</u>		
3.1	The premises, formerly known as Libertine, previously operated as a Public Bar/Nightclub on the Ground Floor and First Floor and held an Outdoor Entertainments Licence for the smoking area located at the side of the premises.		
3.2	The areas where entertainment is proposed to be provided are the same as previously licenced, i.e:-		
	<ul style="list-style-type: none"><li>• Ground Floor, with a maximum capacity of 180 persons.</li><li>• First Floor, with a maximum capacity of 220 persons.</li><li>• External Smoking Area, with a maximum capacity of 200 persons.</li></ul>		
3.3	The days and hours during which entertainment is proposed to be provided, both indoors and outdoors, are the same as those granted for the previous licences, i.e: -		
	<ul style="list-style-type: none"><li>• Monday to Saturday: 11.30am to 3.00am the following morning and</li><li>• Sunday: 12.30pm to 3.00am the following morning</li></ul>		

3.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences, requests to provide outdoor entertainment beyond 11.00pm, and requests to provide indoor entertainment past 1.00am are subject to consideration by Committee.
3.5	The applicant has advised that the reasons for applying for the extended hours is to reduce the impact of patrons all leaving at the same time, therefore reducing pressure on taxi services and transport home, and to be competitive with other premises in the vicinity.
3.6	The applicant proposes to provide entertainment in the form of live music, such as live bands and DJ's.
3.7	Layout plans of the premises are attached as Appendix 2.
3.8	To assist the applicant in the circumstances where the building is ready to open in advance of consideration of the application to provide indoor entertainment to 3am, the Indoor Entertainments Licence has been issued to 1.00am.
	<b><u>Representations</u></b>
3.9	Public notice of the applications has been placed and no written representation has been lodged as a result of the advertisement.
	<b><u>PSNI</u></b>
3.10	The Police have been consulted and have confirmed that they have no objection to the application.
3.11	A copy of the PSNI response is attached as Appendix 3.
	<b><u>NIFRS</u></b>
3.12	The NIFRS have been consulted by the Service in relation to the application and have confirmed that they have no objection to the application.
	<b><u>Health, safety and welfare</u></b>
3.13	The premises has been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory.
	<b><u>Noise</u></b>
3.14	The premises have been closed and therefore no complaints have been received in the past 12 months.
3.15	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.
	<b><u>Applicant</u></b>
3.16	The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.

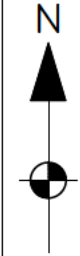
<b>4.0</b>	<b>Financial &amp; Resource Implications</b>  None.
<b>5.0</b>	<b>Equality or Good Relations Implications/Rural Needs Assessment</b>  There are no issues associated with this report.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location map</li> <li>• Appendix 2 – Layout plan</li> <li>• Appendix 3 – PSNI Comments</li> </ul>



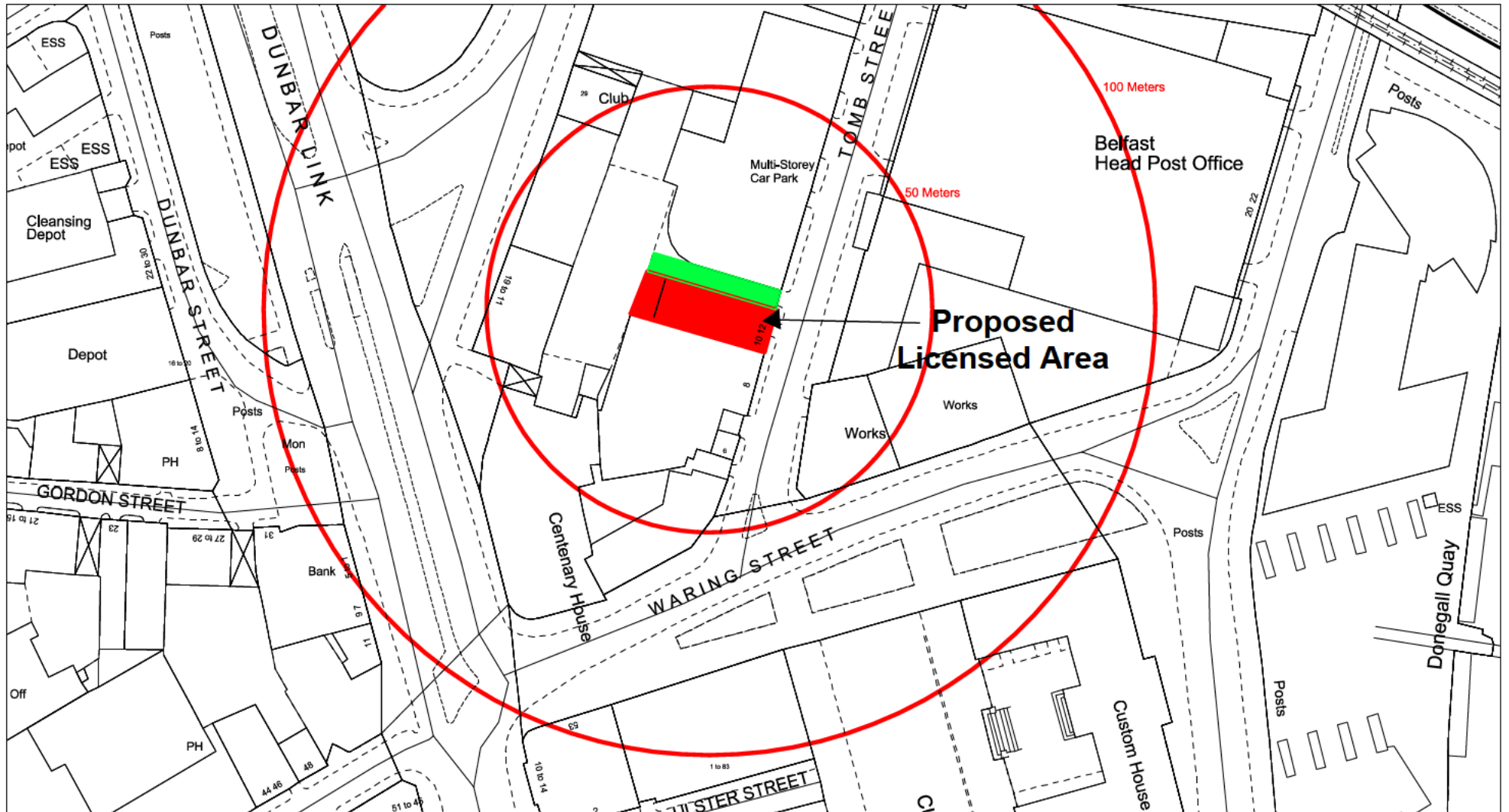


# Building Control Service

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



Page 149



DRAWN BY [REDACTED]  
DATE 10/11/2021

LIQUID,  
10-14 Tomb Street

SCALE 1:1250 @ A4

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Proposed & Existing Ground Floor GA Plans

Scale 1:50 @ A1 / 1:100 @ A3

key to fire symbols

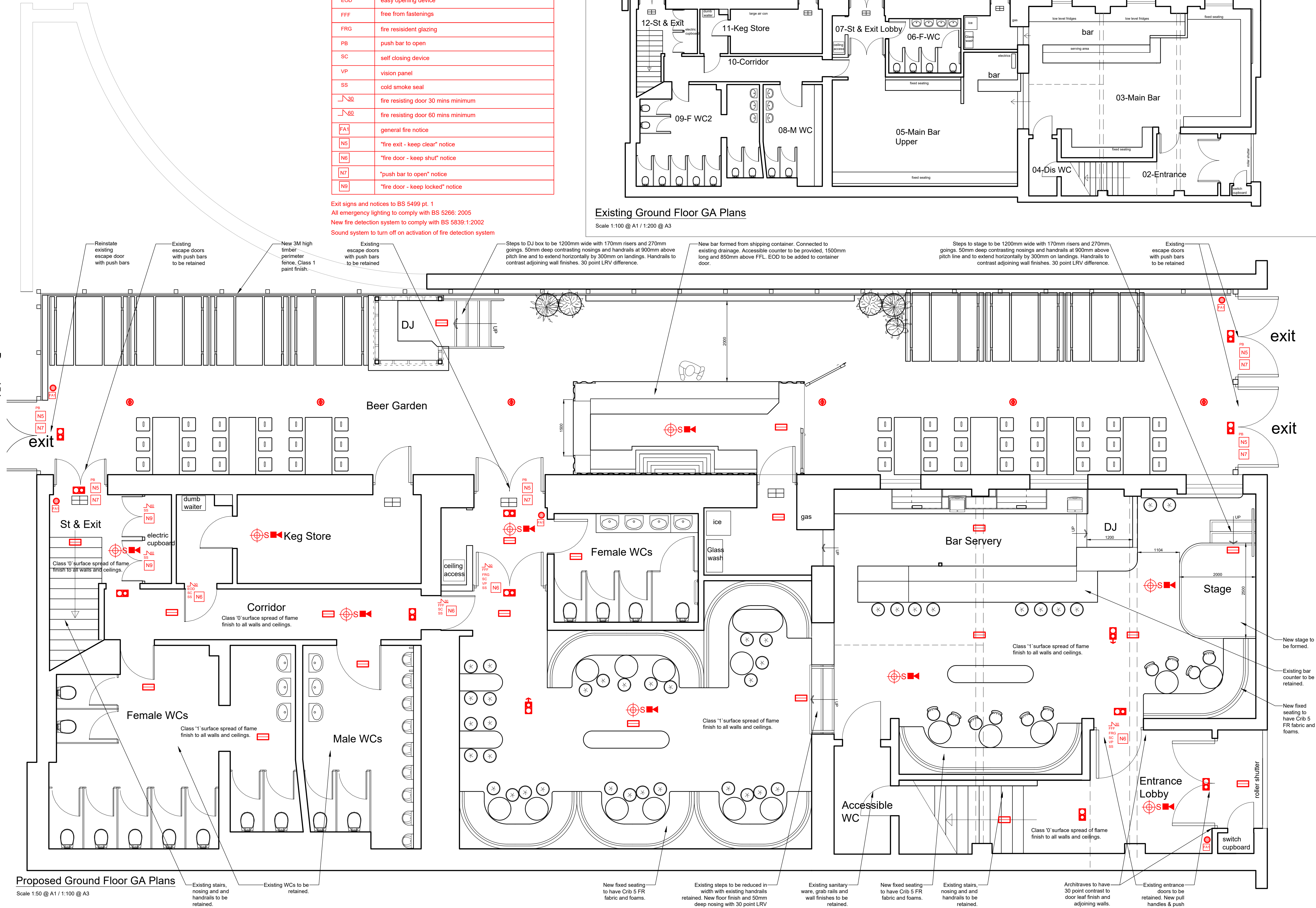
	maintained, self contained emergency exit sign with appraote
	Euro legend and 3 hour integral battery pack
	non maintained, self contained ceiling recessed LED emergency lighting with 3 hour integral battery pack
	non maintained, IP65 self contained LED emergency lighting with 3 hour integral battery pack - black finish
	ceiling mounter smoke detector with integrated sounder
	ceiling mounted heat detector with integrated sounder
	smoke detector in roof void with integrated sounder
	fire alarm call point
	fire alarm panel
	easy opening device
	free from fastenings
	fire resident glazing
	push bar to open
	self closing device
	vision panel
	cold smoke seal
	fire resisting door 30 mins minimum
	fire resisting door 60 mins minimum
	general fire notice
	"fire exit - keep clear" notice
	"fire door - keep shut" notice
	"push bar to open" notice
	"fire door - keep locked" notice

Exit signs and notices to BS 5499 pt. 1  
All emergency lighting to comply with BS 5266: 2005  
New fire detection system to comply with BS 5839-1:2002  
Sound system to turn off on activation of fire detection system

Existing Ground Floor GA Plans

Scale 1:100 @ A1 / 1:200 @ A3

Page 151



GENERAL CONTRACTORS NOTE

All levels and dimensions to be checked on site and any discrepancies should be referred to O'Donnell O'Neill Design Assoc.Ltd. for their direction. Work to figured dimensions ONLY. Do not scale off these drawings. It is the responsibility of the appointed contractor to ensure that both they and their nominated sub contractors, their nominated suppliers, and the client direct nominated sub contractors and suppliers ensure that all materials and workmanship comply with the relevant Building Regulations and that all Health and Safety regulations are implemented. All to be in full compliance with The Building Regulations (Northern Ireland) 2012 Technical Booklets. Refer to engineers drawing for all structural elements details.

REV	NOTE	DATE	INITIAL
*			

new walls - for fire rating refer to Architects details and specifications
existing walls
demolitions



INTERIOR ARCHITECTS & DESIGNERS

1 Upur. Georges Street, Dun Laoghaire, Co. Dublin  
tel:01 2300066 fax:01 2145776  
email : info@ooda.ie  
9 Donegall Street Place BT1 2FN  
tel:028 90668363 fax: 028 90663345  
email bellast@ooda.ie  
www.ooda.ie

STAGE INFORMATION

CLIENT: Silverpine Inns

JOB: LIQUID  
10-14 Tomb Street

TITLE: Proposed & Existing Ground Floor GA Plan

SCALE: 1:50@A1  
1:100@A3  
FILE: 21078

DATE: Aug 2021  
DRAWN BY: [Signature]

DRAWING NO: 21078 -101BC  
REVISION: \*

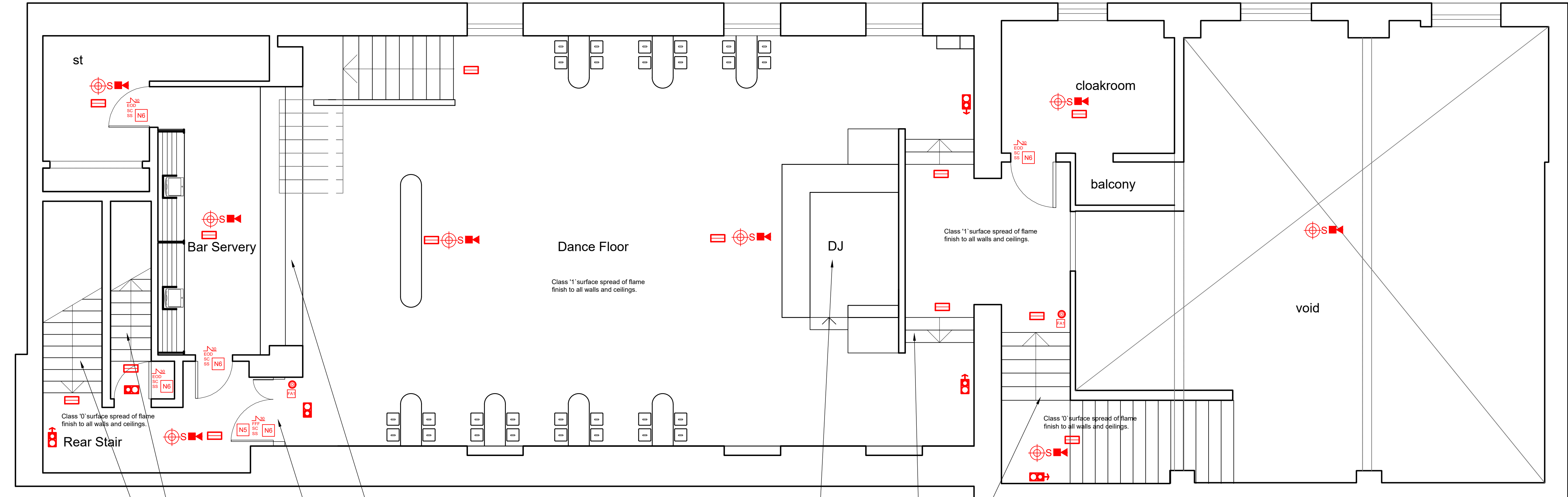
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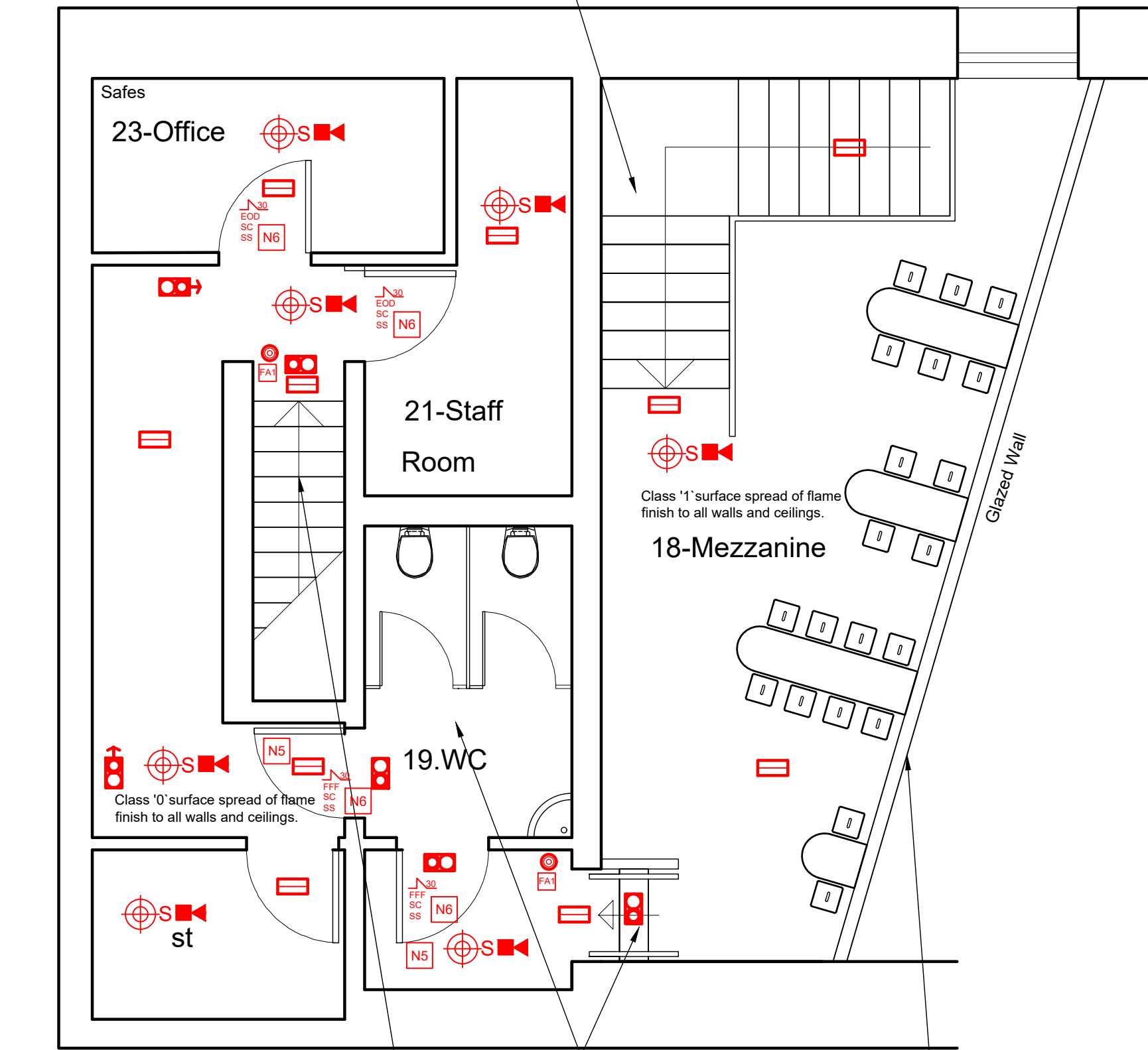
Proposed & Existing First & Second Floor GA Plans

Scale 1:50 @ A1 / 1:100 @ A3



Proposed First Floor GA Plans

Scale 1:50 @ A1 / 1:100 @ A3



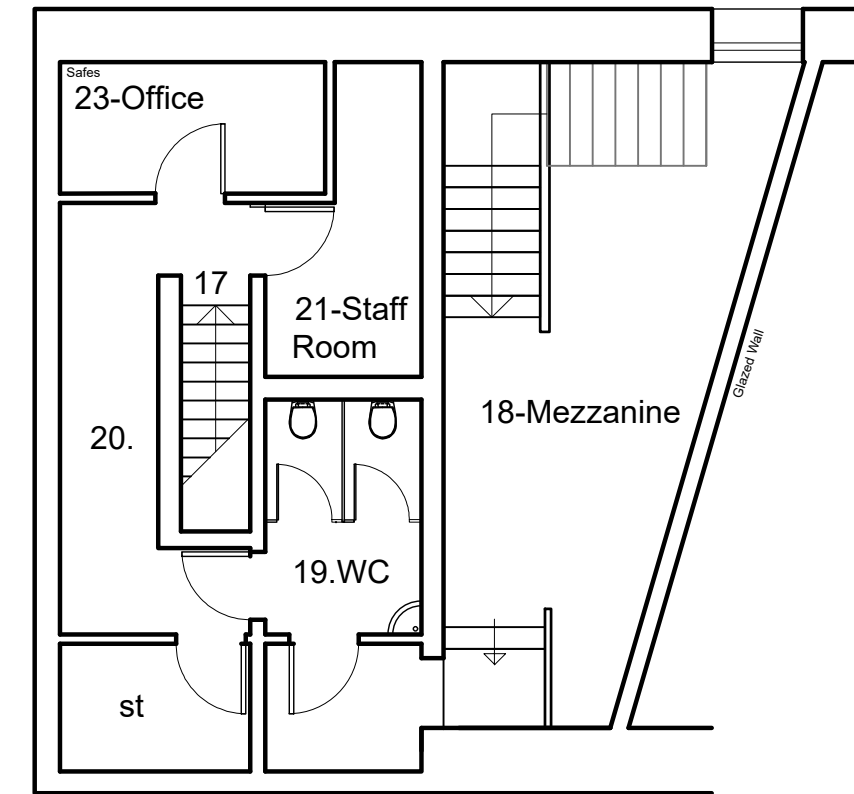
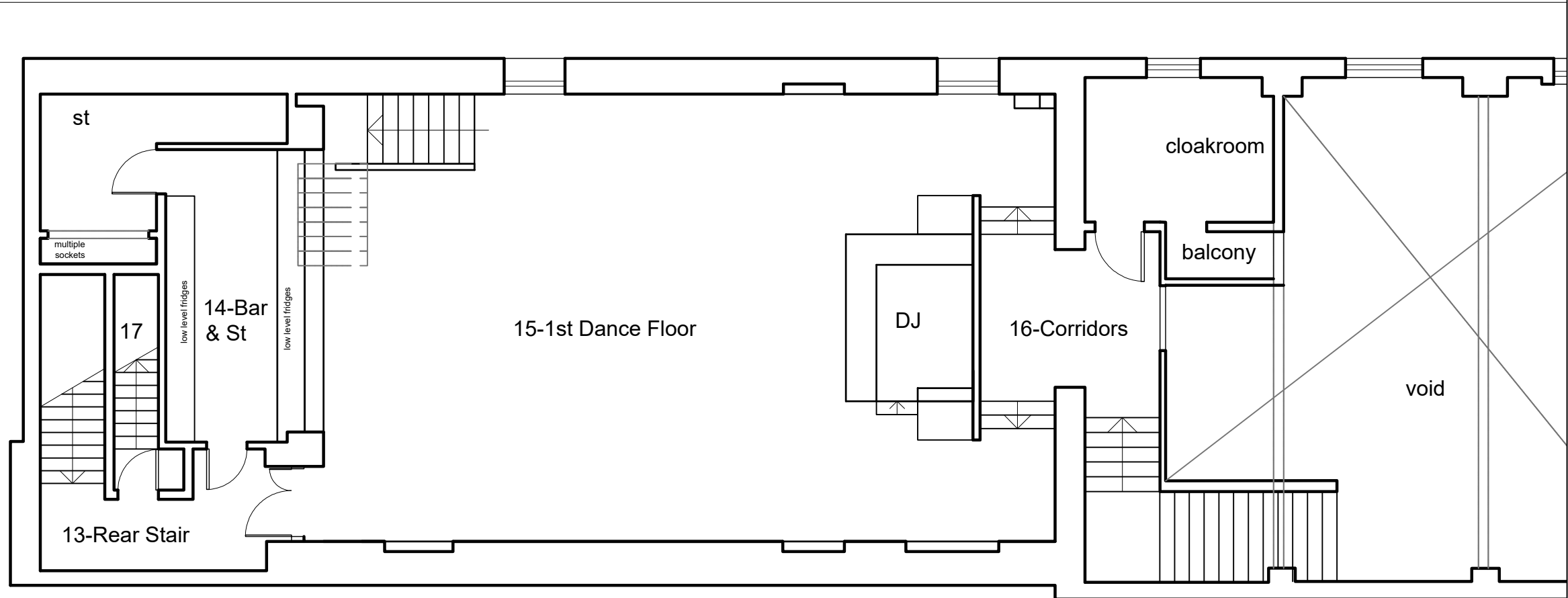
Proposed Second Floor GA Plans

Scale 1:50 @ A1 / 1:100 @ A3

key to fire symbols

	maintained, self contained emergency exit sign with approate Euro legend and 3 hour integral battery pack
	non maintained, IP65 self contained LED emergency lighting with 3 hour integral battery pack - black finish
	non maintained, self contained ceiling recessed LED emergency lighting with 3 hour integral battery pack
	ceiling mounter smoke detector with integrated sounder
	ceiling mounted heat detector with integrated sounder
	smoke detector in roof void with integrated sounder
	fire alarm call point
	fire alarm panel
	easy opening device
	free from fastenings
	fire resistant glazing
	push bar to open
	self closing device
	vision panel
	cold smoke seal
	fire resisting door 30 mins minimum
	fire resisting door 60 mins minimum
	general fire notice
	"fire exit - keep clear" notice
	"fire door - keep shut" notice
	"push bar to open" notice
	"fire door - keep locked" notice

Exit signs and notices to BS 5499 pt. 1  
All emergency lighting to comply with BS 5266: 2005  
Fire detection system to comply with BS 5839-1:2002  
Sound system to turn off on activation of fire detection system



Existing First Floor & Second Floor GA Plans

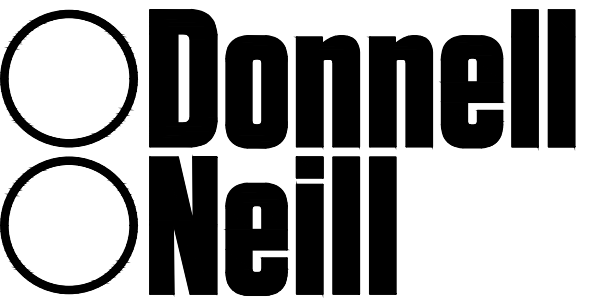
Scale 1:100 @ A1 / 1:200 @ A3

GENERAL CONTRACTORS NOTE

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It is the responsibility of the appointed contractor to ensure that both they and their nominated sub contractors, their nominated suppliers, and the client direct nominated sub contractors and suppliers ensure that all materials and workmanship comply with the relevant Building Regulations and that all Health and Safety regulations are implemented. All to be in full compliance with The Building Regulations (Northern Ireland) 2012 Technical Booklets. Refer to engineers drawing for all structural elements details.

REV	NOTE	DATE	INITIAL
A	BACK BAR DISPLAY ADDED IN.	29.09.21	■

new walls - for fire rating refer to Architects details and specifications
existing walls
demolitions



INTERIOR ARCHITECTS & DESIGNERS

1 Upr. Georges Street, Dun Laoghaire, Co. Dublin  
tel:01 2300066 fax:01 2145776  
email : info@ooda.ie  
9 Donegall Street Place BT1 2FN  
tel:028 90668363 fax: 028 90663345  
email bellast@ooda.ie  
www.ooda.ie

STAGE

INFORMATION

CLIENT:  
Silverpine Inns

JOB:  
LIQUID  
10-14 Tomb Street

TITLE:  
Proposed & Existing 1st & Second Floor GA Plans

SCALE:  
1:50@A1  
1:100@A3

FILE:  
21078

DATE:  
Aug 2021

DRAWN BY:  
■

DRAWING NO:  
21078 -102BC

REVISION:  
\*

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

28<sup>th</sup> July 2025

Dear [REDACTED]

**RE:- Liquid, 10-14 Tomb Street, Belfast**

Please note that District Councils are the lead organisation for Entertainment Licensing and the provisions of the Order under Schedule 1 allows for the application, regulation and restriction following consideration by the licensing authority.

The Order allows for the granting of a licence with conditions with the overarching aim of maximising safety and minimise risk and impact that may result from the granting of a licence.

The role of the Police Service in consideration of entertainment licences is limited however I would highlight current regulatory practice:

- Private Security Industry Act 2001 – covers the requirement for the provision of licensed activities that may impact this application.
- **Responsible retailing code (NI) – covers the responsible promotion and retail of alcohol.**
- The Registration of Clubs (NI) Order 1996
- The Licensing (NI) Order 1996
- The Licensing and Registration of Clubs (amendment) Act (Northern Ireland) 2021.

**Please note there is no current Article 44A application lodged with the Court or granted to date therefore the 3am EL does not have the required licence to operate.**

**There are no current grounds for PSNI objections to the grant of the above entertainment licence application being further considered by Belfast City Council, residents, other local business and NIFRS.**

Police would request the following special conditions be considered for inclusion on the licence to ensure the peaceful and orderly conduct of the area and that the appropriate number of SIA approved only doorstaff be deployed within the licenced premises.

- The licence holder to take positive steps to manage the premises responsibly in a peaceful and orderly manor
- Robust complaints procedure in place for dealing with residents' concerns expeditiously.
- **APPENDIX E – Safer Dancing / Reduction in the supply of drugs within the BCC Rules of Management be complied with ASAP**

**Please note if a Pavement Café area is included within the Entertainment Licence an application under the permanent scheme should be made to Belfast City Council ASAP as any existing temporary Pavement Café Licence will no longer be valid.**

If the Entertainment Licence application is granted in due course police note that **APPENDIX E – Safer Dancing / Reduction in the supply of drugs within the BCC Rules of Management it is the responsibility of the licence holder. Any breaches or non-compliance should be managed by Belfast City Council.**

Please forward police a copy of the above Entertainment Licences with any special conditions or restrictions with confirmation that all Belfast City Council requirements and conditions including all Building Regulations approvals have been adhered to and that the Licensing (NI) Order 1996 will be adhered to by the licence holder.

Can you please also ensure that the applicant has registered the premises with the ongoing 'Ask for Angela' campaign as we continue to raise awareness for this simple, yet effective initiative that allows those who may find themselves in a vulnerable situation, with a quick and discreet way to access the help they need. Please feel free to share and encourage your applicants to registered and appear on the province wide map.



The Police Service of Northern Ireland has developed a short training package, in partnership with Hospitality Ulster for the 'Ask for Angela'



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<b>Subject:</b>	<b>Clarification on competing Street Trading applications</b>
<b>Date:</b>	20 August 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control, ext. 2300
<b>Contact Officer:</b>	Laura Hillis, Principal Building Control Surveyor, ext. 2469

## Restricted Reports

Is this report restricted?

Yes ☐ No ☒

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

Insert number ☐

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes ☒ No ☐

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To provide clarity on how the Committee considers competing Street Trading licence applications.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to note the content of the report.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b>Background</b></p> <p>At the meeting in May 2025, the Licensing Committee considered two competing applications for a street trading licence at two locations in the city.</p>
3.2	During the discussion on the applications, the Committee asked for clarification on how they should deal with competing applications, and a report was requested.
3.3	<p><b>The application process</b></p> <p>The Council operates a Street Trading Licence process in accordance with the Street Trading Act (Northern Ireland) 2001. As part of those processes, the Council grants stationary licences to trade from designated permanent pitches.</p>
3.4	To designate a permanent pitch, the council will publish legal notices for 28 days explaining the proposals in a local newspaper to make sure the public and other organisations are consulted. Requests for designation of a permanent pitch can be made to the Council.
3.5	Once a permanent pitch is designated, applications can be considered for licences to trade from that pitch. A list of all the designated pitches in Belfast is available on the Council's <a href="#">website</a> . The list outlines the items that can be sold on each pitch and whether the pitch is currently available.
3.6	If a pitch is available and an application for a street trading licence is received, the Council will look to process that application within reasonable timescales. Applicants should allow a minimum of 28 days from the date of receipt for the Council to process the application for a stationary or mobile street trading licence. The Council strives to notify all applicants of the outcome of their application, including issuing the licence, within 10 working days of the council decision made in relation to the application.
3.7	Where a single application for a street trading licence is received on a designated pitch, the decision to grant the application can be made under delegated authority in line with the Council's scheme of delegation which sets out that the Strategic Director of Place and Economy has responsibility for exercising all powers in relation to the issue (but not refusal) of permits and licences.
3.8	Where a second application is subsequently received on a designated pitch, officers do not have delegated authority to refuse it because an application is already being considered. Similarly, officers do not have delegated authority to decide between the competing applications as this would require one to be refused. The competing applications must therefore be brought before the Licensing Committee so that one of the applications can be approved and one refused in accordance with the mandatory and discretionary reasons set out in legislation.

3.9	Mandatory reasons for refusal relate mostly to process issues such as the age of the individual, there isn't a designated pitch or the nature of goods to be sold.
3.10	<p>The Council may refuse an application on the following discretionary grounds:</p> <p>(a) that—</p> <ul style="list-style-type: none"> <li>(i) the location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> <li>(ii) the space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;</li> <li>(iii) the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;</li> <li>(iv) there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or</li> <li>(v) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;</li> </ul> <p>(b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>(c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>(d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>(e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</p> <p>(f) that the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>(g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</p> <p><b>The Council's Street Trading Licensing Policy</b></p> <p>The Council's Street Trading Licensing Policy (included at Appendix 1) sets out guidance on matters which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making to as to develop and maintain public confidence in Belfast City Council's performance of its duties.</p> <p>The Policy was amended in early 2011 after Members had asked for the establishment of policy to assist them in determining competing applications for Street Trading Licences. The inclusion of the guidance followed considerable background research which included looking at other jurisdictions to ascertain if they have established a policy or procedure that could be used as the framework for our policy. Unfortunately, it became apparent that no jurisdiction had such a policy in operation, and that some working practices (including grating all competing applications and leaving it to the traders to agree who could trade) had created serious operational difficulties.</p> <p>Paragraph 5 of the Policy was created to deal with the issue of competing Stationary or Mobile Street Trading Licence applications where there are two or more applications for a licence at a designated site or there are multiple mobile licence applications for a similar geographical area within the City. It provides guidance on how to deal with situations when the Council cannot negotiate competing licence applications.</p>
3.11	
3.12	
3.13	

3.14	Paragraph 5.1 provides that where there are competing applications each applicant will be invited to address the Licensing Committee by making a short presentation on their proposed business.
3.15	The presentation should include matters such as how the business will be operated, the design of the stall, how the commodities they propose to sell will add to the area and should address any concerns or objections to their proposal, this may be followed by questions from Members.
3.16	Paragraph 5.2 provides that, in determining competing applications, the Committee may take into account any consideration which they deem appropriate and take into account the discretionary ground for refusal detailed in paragraph 4.6 of the Policy (and set out in paragraph 3.10 above).
3.17	<p>Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <ol style="list-style-type: none"> <li>1. The suitability of the application in the context of the area or street;</li> <li>2. The suitability of allowing more than one application in the area or street;</li> <li>3. The commodities or services which each applicant intends to sell or supply;</li> <li>4. The merits of each application in the context of the character and appearance of the proposed area;</li> <li>5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</li> <li>6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;</li> <li>7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</li> </ol>
3.18	In practice, where two or more similar street trading applications have been received and the first one would not be refused under the mandatory, or discretionary grounds, the Committee has previously felt that the first application received should be granted. This then means that the subsequent applications therefore require to be refused as in line with the discretionary grounds that there are then sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade (i.e. the pitch has been taken).
3.19	This practice has not and would not preclude the Committee taking into account the considerations set out in the Council's Street Trading Licensing Policy and listed above in para 3.17 where there are considered to be discernible differences in the applications that are being considered.
<b>4.0</b>	<p><b>Financial and Resource Implications</b></p> <p>There are no financial or resource implications arising from this report.</p>
<b>5.0</b>	<p><b>Equality and Good Relations Implications/Rural Needs Assessment</b></p> <p>There are no issues associated with this report.</p>
<b>6.0</b>	<p><b>Appendices – Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 – Belfast City Council Street Trading Licensing Policy (March 2011)</li> </ul>

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Health & Environmental Services	Edition/Issue No.	1/1
<b>Street Trading Licensing Policy</b> (March 2011)	Issue Date	<>
	Reference:	JC
	Service:	Building Control

## C O N T E N T S

	Page	Paragraph
Purpose	2	1
Scope	2	2
References	2	3
General Principles	2	4
Competing Applications	4	5

## **1 Purpose**

By virtue of Section 5 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Stationary or Mobile Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

## **2 Scope**

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary or Mobile Licence.

## **3 References**

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

## **4 General Principles**

4.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.

4.2 Belfast City Council may consult with -

- (a) The Police District Command Unit in which the streets are situated;
- (b) The Department for Regional Development as regards that Department's functions with respect to roads and regulation of road traffic;

4.3 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:

- (a) Belfast Chamber of Trade and Commerce.
- (b) Belfast City Centre Management
- (c) Nearby Street Trading Licence holders who may be affected.
- (d) Business, commercial and residential premises in the vicinity of the trading area in respect of which the application has been received.
- (e) N.I. Ambulance Service and /or other Emergency Services
- (f) National Market Traders Federation

4.4 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, Belfast City Council may take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the area, street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
- (h) Previous complaints arising from any Street Trading activities in that area, street or part thereof.
- (i) The views, reports or opinions of such consultees as appear to the Council to be material.
- (j) The suitability of the applicant.

4.5 Belfast City Council will refuse an application under Section 5 of the Act (Mandatory grounds for refusing an application) if the applicant-

- (a) Is not an individual; or
- (b) Has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3). (16 years of age)
- (c) If the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.
- (d) In a street which is not a designated street;
- (e) In any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

4.6 Belfast City Council may refuse an application under Section 5 of the Act (Discretionary grounds for refusing an application) if -

- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
- (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
- (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;

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

4.7 If the Council considers that grounds for refusal exist under subsection (1) (d) of the Act, it may grant the applicant a licence subject to conditions which permit him-

- (a) To trade on fewer days or during a shorter period in each day than is specified in the application; or
- (b) To trade in a different designated street or in a different area from that specified in the application.

## **5. Competing Applications**

5.1 In the event that there are two or more applications for a licence in a designated site or there are multiple mobile licence applications for a similar geographical area within the City, each applicant will be invited to address the Licensing Committee by making a short presentation which may be followed by questions from Members (the presentation should include matters such as how the business will be operated, the design of the stall, how the commodities which are proposed to be sold will add to the area, etc. Where appropriate the applicant may also address any concerns or objections to their proposal).

5.2 In determining an application under this section, the Council may take into account any consideration which it deems appropriate and will take into account the discretionary grounds for refusal already detailed in paragraph 4.6.

5.3 Without prejudice to the above, the Council may also take the following into account:

- (a) The suitability of the application in the context of the area or street;
- (b) The suitability of allowing more than one application in the area or street;
- (c) The commodities or services which each applicant intends to sell or supply;



- (d) The merits of each application in the context of the character and appearance of the proposed area;
- (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
- (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
- (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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<b>Subject:</b>	<b>The exhibition and rating of an unclassified film 'The Negotiator'</b>
<b>Date:</b>	20 August 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control, ext. 2300
<b>Contact Officer:</b>	Darren McCamphill, Lead Building Control Surveyor, ext. 2444

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p><b>Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.</b></p> <p>Insert number <input style="width: 40px;" type="text"/></p> <ol style="list-style-type: none"> <li>1. Information relating to any individual</li> <li>2. Information likely to reveal the identity of an individual</li> <li>3. Information relating to the financial or business affairs of any particular person (including the council holding that information)</li> <li>4. Information in connection with any labour relations matter</li> <li>5. Information in relation to which a claim to legal professional privilege could be maintained</li> <li>6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction</li> <li>7. Information on any action in relation to the prevention, investigation or prosecution of crime</li> </ol>	
<p><b>If Yes, when will the report become unrestricted?</b></p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <p><b>After Committee Decision</b></p> <p><b>After Council Decision</b></p> <p><b>Sometime in the future</b></p> <p><b>Never</b></p> </div> <div style="width: 35%; text-align: center;"> <input style="width: 40px; height: 25px;" type="text"/>  <input style="width: 40px; height: 25px;" type="text"/>  <input style="width: 40px; height: 25px;" type="text"/>  <input style="width: 40px; height: 25px;" type="text"/> </div> </div>	

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report</b>
1.1	<p>The report is to inform the Committee of a decision taken under delegated authority by the Strategic Director of Place and Economy to approve the exhibition of a film called “The Negotiator” in Cineworld, Belfast on the 25 June 2025.</p> <p>Delegated authority of the Strategic Director of Place and Economy was sought as the request was received after the Licensing Committee’s June meeting had taken place, and a decision was needed before the Committee’s August meeting.</p>
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to note the content of the report.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	The Council licences cinemas and other venues under the Cinemas (Northern Ireland) Order 1991 for the exhibition of films. The main functions of the legislation relate to technical matters such as structural stability and fire safety and, as such, the powers to issue licences are delegated to the Director of Planning and Building Control.
3.2	However, the Order also requires the Council to impose conditions or restrictions prohibiting the admission of children to film exhibitions involving the showing of films designated as works unsuitable for children.
3.3	Unlike other types of Licences there is no public notification and representation process for Cinema Licence applications hence there is normally no involvement of the Committee with Cinema Licensing.
3.4	When issuing Licences, the Council establishes Conditions on each Licence regarding the general running and administration of the premises. One such Condition is that only films which have been classified with a certificate issued by the British Board of Film Classification (BBFC) may be shown.
3.5	The BBFC is an independent body which classifies all films on behalf of local authorities, and they have strict guidelines and criteria in awarding films a classification.
3.6	Until recently it has been rare for a licensed cinema to seek permission to show a film that has not been through the BBFC process. However, with the development in the local creative industries and filmmaking sector here more films are being produced locally many of which are unclassified, or not classified by the BBFC, but the demand for them to be screened in local cinemas is growing.
3.7	There is a proviso in the Licence Conditions which allows the Council to give permission to show an unclassified film if it is satisfied with that film. The Council can also append any Conditions it deems appropriate, including an age restriction.
3.8	The Council has had requests in the past for permission to exhibit films which either do not have a classification or have a classification from another country. The Council has previously agreed such requests where it considered them to be acceptable.

3.9	Council officers were contacted on the 19 June 2025 regarding the screening of 'The Negotiator'. The film, which was supported by Queens University, Belfast, was being broadcast as part of the 'Docs Irelands' series of international documentary films by independent film makers. Screening of the film was scheduled for 25 June 2025 at Cineworld, cinema at the Odyssey Arena, Queens Quay.
3.10	The film had not been classified. It has not been given a rating by the BBFC. The applicant has been informed by the programming team that a '12A' rating would be appropriate for the film.
3.11	Information on the BBFC classification is provided in Appendix 1.
3.12	Normally approval to permit the film to be exhibited is considered and given by the Licensing Committee. In this instance the request was received after the June Committee meeting and the August Committee meeting was too late to consider the request for the proposed screening on 25 June 2025.
3.13	Discussions took place with Legal Services as to the options available to the Council and therefore the Strategic Director of Place and Economy under his delegated authority.
3.14	The film does not have a BBFC classification or have a classification from another country. A screener link was afforded by the applicant permitting viewing of the film by officers of the Service. This was to permit validation of the '12A' rating expressed by the applicant. See Appendix 3.
3.15	The expertise for film classification is considered to exist with BBFC and other statutory bodies established for this function. The option to validate the '12A' rating was not taken in this instance.
3.16	The applicant has identified that no tickets are to be made available for children for the screening.
3.17	The matter was discussed with the Chair of the Licensing Committee and the appropriate course of action was considered to be that the film should be allowed to be shown as an unclassified film with a rating of '18'.
3.18	The applicant was agreeable to screen the film as an unclassified film with a rating of '18'
3.19	Legal Services advised that this decision could be made under the delegated authority of the Strategic Director of Place and Economy (in accordance with para 2.3 of the Scheme of Delegation which deals with emergencies and cases of urgency) subject to advising the appropriate Chair and reporting the matter to the Licensing Committee at their next meeting.
3.20	This report is to inform Members that the Strategic Director of Place & Economy exercised his powers of delegated authority and approved the exhibition of "The Negotiator" in Cineworld, Odyssey Arena on 25 June 2025 as part of the 'Docs Irelands' series of international documentary films with an '18' Rating.
<b>4.0</b>	<b>Financial and Resource Implications</b>  None. Officers will carry out inspections before and during the events which will be catered for within existing Service budgets.
<b>5.0</b>	<b>Equality and Good Relations Implications/Rural Needs Assessment</b>

	There are no issues associated with this report.
<b>6.0</b>	<b>Appendices – Documents Attached</b> <ul style="list-style-type: none"> <li>• Appendix 1 – Conditions of licence</li> <li>• Appendix 2 – BBFC Classification Guidelines</li> <li>• Appendix 3 – Applicant request</li> </ul>

## CONDITION OF LICENCE

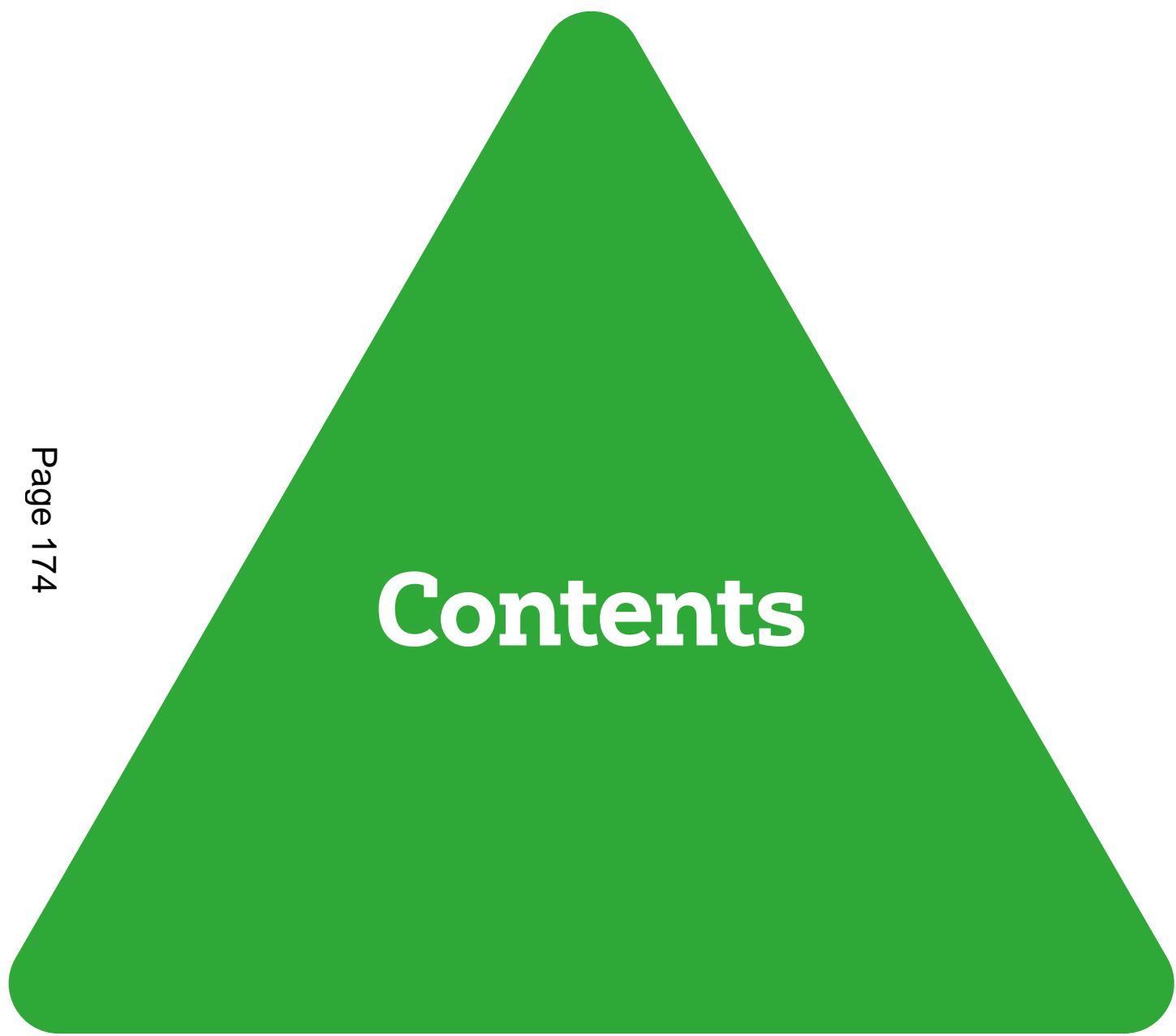
1. No film shall be exhibited unless:-
    - (a) It has received a 'U', 'PG', '12A', '12', '15', or '18' certificate of the British Board of Film Classification.
    - (b) It is a current news-reel which has not been submitted to the British Board of Film Classification.
  2.
    - (a) No persons under the age of twelve years, unless they are accompanied by an Adult, shall be admitted to any Exhibition when a '12A' film is in the programme.
    - (b) No persons under the age of fifteen years shall be admitted to any Exhibition when a '15' film is in the programme.
    - (c) No persons under the age of eighteen years shall be admitted to any Exhibition when a '18' film is in the programme.
  3. Notwithstanding the conditions hereinbefore contained, a film may be exhibited, or children, or any class of children, may be admitted thereto, or admitted unaccompanied, if permission of the Council is first obtained and any conditions of such permission are complied with.
  4. A representation or written statement of the terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough in a form large enough for it to be read from any seat in the auditorium.
  5. There shall be prominently exhibited in each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures:-
    - (a) the title of each film to be shown on that day, other than trailers and films of less than five minutes' duration;
    - (b) the approximate times of commencement of each such film;
    - (c) whether each film has received a 'U', 'PG', '12A', '12', '15', or '18' certificate from the British Board of Films Censors;
    - (d) the effect of such 'U', 'PG', '12A', '12', '15', or '18' certificate in relation to the admission of persons under the age of eighteen years; and
    - (e) appropriate advice in respect of '12A' certificate films to enable an accompanying adult to decide upon the suitability of the film for children under the age of twelve years.
  6. The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the letter 'U', 'PG', '12A', '12', '15', or '18' in any advertisement of the film displayed at the premises.
  7. There shall not appear on any advertisement of a film displayed at the premises any reference to the Council or any wording to the effect that the film has been banned or not passed by the British Board of Film Classification.
  8. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Council, as the case may be.
  9. Where the Council has given notice in writing to the licensee objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to the public feeling, that advertisement shall not be displayed at the premises except with the consent in writing of the Council.
  10. Where the Council has given notice in writing to the licensee prohibiting the exhibition of a film on the ground that it contains matter which, if exhibited, would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or be offensive to the public feeling, that film shall not be exhibited in the premises except with the consent in writing of the Council.
  11. The licensee shall ensure that all attendants when on duty at the premises shall wear either distinctive clothing or suitable arm-bands.
  12. The premises shall not without consent in writing of the Council be used for the purpose for which the license is granted on:-
    - (a) Sunday at any time or,
    - (b) other days between the hours of 1.00 am and 8.00 am.
  13. Only films which have received a certificate from the British Board of Film Classification in the categories 'U', 'PG', '12A', '12', '15' and current news-reels will be permitted to be shown on Sundays during the hours of 3.30 pm to 7.30 pm.
- N. B. These conditions must be displayed with the licence in a conspicuous place on the premises at all times.**

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# Classification Guidelines



# Contents

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**The British Board of Film Classification (BBFC) is an independent, non-governmental, not-for-profit, co-regulatory body. Our classification function is funded through fees charged to those who submit films and video works for classification.**

- We classify:
- films, trailers and advertisements on behalf of local authorities who license cinemas under the Licensing Act 2003<sup>1</sup>
  - video works distributed on physical media under the Video Recordings Act 1984
  - video works which are distributed over the internet under a voluntary, self-regulatory service
  - commercial and internet content distributed via mobile networks under a voluntary, self-regulatory service

Our Classification Guidelines follow an extensive public consultation to which more than 10,000 people contribute across the UK, as well as other research, expert advice and our accumulated experience over many years. The Guidelines, and our practice in applying them, pay particular attention to changes in public taste, attitudes and concerns, and changes in the law. They also take account of new evidence from research and expert sources. The Guidelines are reviewed every four to five years, and how we apply them is reviewed when necessary.

We take responsibility for the Guidelines and for their interpretation. This responsibility is subject to the normal considerations of fairness and reasonableness.

Here, and throughout the Guidelines, video works are taken to include films and programmes released on DVD or Blu-ray, or distributed by means of download or streaming on the internet.

The Guidelines cannot be a comprehensive account of everything that may at any time be of concern. If issues arise which are not specifically covered here, they will be dealt with by us on their merits and in line with the standards expressed and implied in these Guidelines. The Guidelines are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter.

We will provide guidance on the interpretation of these Guidelines on request and their application to particular films.

# Shaped by you.

Every 4-5 years, we speak to over 10,000 people across the UK to ensure that the BBFC Classification Guidelines reflect what viewers want and expect.

<sup>1</sup>Since 31 March 2016 the BBFC has sub-contracted the assessment of cinema advertisements for commercial goods and services to the Cinema Advertising Association, while retaining responsibility for classifying all feature films, trailers, public information films and charity campaigns.



# Guiding principles

**Our guiding principles are:**

- to protect children and vulnerable adults from potentially harmful or otherwise unsuitable media content
- to empower consumers, particularly parents and those with responsibility for children, to make informed viewing decisions

We fulfil these roles chiefly by providing age classifications and publishing advice (known as ratings info) for individual films and videos. Ratings info gives a detailed breakdown of the issues that result in a particular classification, as well as other issues likely to be of relevance to viewers.

Our extensive research into public opinion guides us as we seek to ensure that classification decisions generally reflect public sensibilities and expectations as these change over time. We seek to ensure that films and videos reach the widest audience that is appropriate for their theme and treatment.

While media effects research and expert opinion can provide valuable insights, it can be inconclusive or contradictory on issues of suitability and harm. In such cases we must rely on our own experience and expertise to make a judgement as to the suitability of a work for classification at a particular age category, taking into consideration whether the availability of the material, to the age group concerned, is clearly unacceptable to broad public opinion.

We do this without infringing the right of adults to choose what they view provided that it remains within the law and is not potentially harmful.

In relation to harm, we will consider whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any moral or societal harm that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include impairing social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

We will not classify material which is in conflict with the criminal law, and we will have regard to whether the material has arisen from the commission of an unlawful act.

We act as a regulator across the United Kingdom. However, the UK does not have a single legal system, and so we take account of the different legal systems that coexist in the UK. Further details about the applicable legislation can be found in the Annexe – legal considerations.



# General classification considerations

There are general factors that may influence a classification decision at any level and in connection with any issue. These factors are of particular importance when a work lies on the borderline between two age categories.

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## Context

We consider the context in which an issue (such as sex, language or violence) is presented within a film or video. In doing this we take account of factors such as the setting of a work (historical, fantasy, realistic, contemporary); the manner of presentation (for example, an aggressive and directed use of bad or discriminatory language may result in a higher classification than a light-hearted and self-referential use of the same term); the apparent intention of the film; the original production date of the work (for example, outdated attitudes might be considered less offensive, and consequently classified at a lower category, in an old, obviously dated, work); the expectations of the likely audience; and any special merits of the work.

## Theme

Classification decisions will take into account the theme of a work, but will depend significantly on the treatment of that theme, and especially the sensitivity of its presentation. The most challenging themes (for example, sexual violence, paedophilia and suicide) are unlikely to be appropriate at the lowest levels of classification (U or PG). However, there is no reason in principle why most themes, however difficult, could not be presented in a manner which allows classification at 18 or even, where suitable, at lower levels. Classification decisions are likely to be less restrictive where difficult themes are handled in a reassuring and age appropriate manner, or where there is a positive outcome. Classification decisions are likely to be more restrictive where difficult themes are handled in a manner likely to create or reinforce anxiety.

## Tone and impact

The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, a work with a dark or unsettling tone may receive a higher classification. Other tonal considerations which might have an influence on classification include the extent to which the work presents a despairing view of the world, or the extent to which transgressive or harmful behaviour is condoned or made to appear normal.

We take into account the impact of a work (i.e. how it makes the audience feel), for example the presentation of credible real world scenarios about which viewers, especially younger viewers, are likely to be anxious (e.g. terrorism, abduction, suicide, self-harm). We also take account of audience expectations regarding genre, for example in relation to horror films where threat may be more significant than the level of violence, or in the case of action films, where viewers are likely to have certain expectations regarding the type of highly choreographed and unrealistic violence they are likely to contain.

Where multiple classification issues are present in the same work, this may produce a cumulative impact that makes a higher classification more appropriate.



# Specific classification considerations

**This section of the Guidelines identifies concerns which apply, to a greater or a lesser degree, at all classification levels, and sets out the general approach that we take. The concerns are listed in alphabetical order.**

**Pages 18 to 28 of the Guidelines provide specific guidance for U through to R18 with regard to such concerns. This should be read together with the General classification considerations.**

**Dangerous behaviour**

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a higher classification. Works which, taken as a whole, actively promote illegal behaviour may be cut or refused a classification.

Portrayals of potentially dangerous behaviour (especially relating to suicide, self-harm and asphyxiation) which children and young people may potentially copy, will be cut if a higher classification is not appropriate. The relative ease and likelihood of imitation are also considered.

Classification decisions may be less restrictive where the risks of any dangerous behaviour are likely to be obvious to the intended audience, or where material is intended to educate younger viewers about dangers. Classification decisions will be more restrictive where novel information is presented (for example, about specific suicide techniques), where harmful behaviour is glamorised, or where risks are not made clear.

**Discrimination**

Potentially offensive content relating to matters such as race, gender, religion, disability or sexuality may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear also has a bearing. Works with such content may receive a lower category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work has a historical setting within which outdated attitudes or outmoded expressions would be expected; or the work is obviously dated, with little or no appeal to children; or the work seeks to challenge discriminatory attitudes and assumptions. Works with such content may receive a higher category where discriminatory language and behaviour is accompanied by threat or violence; or where there is a clear power imbalance; or where such behaviour is left unchallenged; or where discriminatory attitudes and assumptions are normalised. Where discriminatory language or behaviour occurs, this will normally be indicated in ratings info.

**Drugs**

No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote the activity may be cut. Works which normalise or glamorise drug misuse are likely to receive a higher classification than works which show drug misuse while emphasising the dangers.

Where smoking, alcohol abuse or substance misuse feature to a significant extent in works which appeal to children, this will normally be indicated in ratings info. Classification decisions will also take into account any promotion or glamorisation of such activities.

**Language**

Language which people may find offensive includes the use of expletives with a sexual, religious or racial association, derogatory language about minority groups and commonly understood rude gestures. The extent of offence may vary according to age, gender, race, background, beliefs and expectations brought by viewers to the work as well as the context in which the word, expression or gesture is used.

For these reasons, it is impossible to set out comprehensive lists of words, expressions or gestures which are acceptable at each category. The advice at different classification levels, therefore, provides general guidance taking account of the views expressed in public consultation exercises.

**Nudity**

Nudity with no sexual context is in principle acceptable at all classification levels, but will not generally occur more than occasionally at U.

Nudity with a sexual context will receive a higher classification. Where the principal purpose of depicting nudity is to sexually arouse it will usually only be passed at the adult categories (18 or R18).





Specific classification considerations continued

Sex

The portrayal of sexual activity can range from kissing to detail of unsimulated sex. The normalisation of overtly sexualised behaviour is a concern at the junior categories (U, PG and 12A/12). The classification system allows progressively stronger portrayals of sexual behaviour as the categories rise.

Sex works (works whose primary purpose is sexual arousal or stimulation) will only be passed at 18 or R18.

We will apply these Guidelines in relation to sex to the same standard regardless of sexual orientation of the activity portrayed.

Sexual violence and sexual threat

Depictions of the stronger forms of sexual violence, including rape, are not permitted at the junior categories.

When considering scenes of sexual violence, aggravating factors include:

- the presence of a gang dynamic (e.g. a ‘gang rape’ scene)
- a focus on the victim being overpowered or powerless
- prolonged, detailed or gratuitous depiction
- an emphasis on nudity
- an emphasis on the pleasure of the attacker

- a strong emphasis on the distress and fear of the victim

- a credible ‘real world’ setting

- a protracted build-up of sexual threat

Mitigating factors include:

- brevity and lack of detail

- a clear educational message aimed at young people

- a strong narrative justification

We may refuse to classify content which makes rape or other non-consensual sexually violent behaviour look appealing or acceptable, reinforces the suggestion that victims enjoy such behaviour, or invites viewer complicity in such behaviour.

References to sexual violence are likely to be treated less restrictively than depictions of sexual violence, although any references at the junior categories will generally be oblique or undetailed.

Sexual threat and abusive behaviour are not permitted at the lowest levels of classification and will only be permitted at 12A/12 if brief and negatively presented.

Threat and horror

Where films are targeted at a younger audience, classification decisions will take into account factors such as the frequency, length and detail of scary or otherwise unsettling scenes as well as factors such as the impact of music and sound, and whether there is a swift and reassuring outcome.

The classification of threat and horror will take account of the general tone, impact, realism and supernatural elements of a work as well as the level of detail in individual scenes. Fantasy settings or the inclusion of humour may be mitigating factors. The presentation of ‘real world’ issues and fears may be an aggravating factor.

Violence

Classification decisions will take account of the degree and nature of violence in a work.

Works which feature the following are likely to receive a more restrictive classification:

- portrayal of violence as a normal solution to problems
- heroes who inflict pain and injury
- callousness towards victims
- the encouragement of aggressive attitudes
- characters taking pleasure in pain or humiliation
- the glorification or glamorisation of violence
- gratuitous violence
- violence presented in a credible and realistic context (e.g. gang violence, domestic violence)

Works which feature the following are likely to be treated less restrictively:

- violence in a historical context
- violence in an action or fantasy context
- violence that lacks detail
- violence that looks unreal, fake or overly staged
- comic violence
- violence that is challenged or punished
- violence in a context where it is likely to be expected by the intended audience

We are unlikely to classify content which is so demeaning or degrading to human dignity (for example, it consists of strong abuse, torture or death without any significant mitigating factors) that it may pose a harm risk.

# Other matters

## Education videos

When classifying an education video, including a sex education video, for use in schools, we will take account of the educational purpose of the video and the context in which it is to be viewed (for example in the classroom mediated by a teacher).

## Music videos

In addition to the usual issues, the classification of a music video will take account of any elements which are of particular concern to parents, including glamorisation of behaviour which they consider inappropriate such as drug misuse or sexualised behaviour. Where music videos are short and self-contained, material may be less likely to be justified by context.

## Photo or pattern sensitivity, motion sickness and reactions to low frequency sound

A small number of viewers are sensitive to flashing and flickering light, or some shapes and patterns, and may experience seizures or other serious physical effects. Some viewers experience feelings of motion sickness or other symptoms when viewing works which feature hand held or otherwise moving camerawork, or which feature very low frequency sounds.

It is the responsibility of film makers and distributors to identify works in which such issues arise and to ensure that, when required, appropriate warnings are given to viewers. However, if it is obvious during viewing that the work contains strong examples of such imagery

or sounds, we will advise the distributor of the need to ensure that appropriate warnings are in place. Where necessary, we may require assurances regarding the display of appropriate warnings as a condition of classification.

## Release format

Classification decisions may be stricter on video works than on film. This is because of the increased possibility of under-age viewing as recognised in the Video Recordings Act (see Annexe), as well as the increased possibility of works being replayed or sections viewed out of context. Accordingly, a video work (either packaged or online) may occasionally receive a higher classification than on film, or require new or different cuts. (Video works may also receive a higher classification because they contain additional content.)

The screen format or visual presentation of a submission may also alter a classification, for example, if the image has been processed in the 3D format, or is shown with an altered aspect ratio such as on an IMAX screen, or if the work is experienced as a piece of immersive linear VR (virtual reality).

## Titles

We will require changes as a condition of classification if the title of a work incites racial or religious hatred, or other criminal behaviour, or encourages an interest in abusive or illegal sexual activity.

If the title of a work is likely to cause significant offence to a significant number of people if displayed in a public place, we will advise the distributor to consider carefully the places in which it is likely to be seen and to take appropriate action, for example, by obscuring certain words on packaging or marketing materials. (This advice is not given in relation to video works classified R18 as such works may only be supplied or offered for supply in a licensed sex shop.)

## Trailers and advertisements

Audiences may choose to see a full-length feature based on expectations of the particular genre at the given classification and on the published ratings info. In contrast, audiences have no choice, and often no expectation, about the accompanying trailers or advertisements which may be very different in tone and content to the film the audience has chosen to view. In addition, because trailers and advertisements are short and self-contained, material is less likely to be justified by context and more likely to cause offence.

For these reasons, classification decisions for trailers and advertisements may be more restrictive than for equivalent material in a main feature. Strong language will not be allowed in trailers at the U, PG and 12A/12 categories. Strong language may be permitted in trailers at 15, unless significantly aggravated by other factors. Infrequent very strong language may be permitted in trailers at 15 but usually only where there are mitigating factors such as a comic context.

The more restrictive approach set out above may be relaxed where an advertisement is part of a public information campaign or has a charitable purpose.

Cinemas are responsible for the exhibition of cinema trailers and advertisements, and we have no involvement in deciding which films they precede. Questions or complaints about the exhibition of trailers or advertisements should be directed to the cinema management in the first instance.

## Video games

With a few limited exceptions we do not classify video games. We consider for classification those video games contained on discs which feature primarily linear video content and any pornographic video games.

We also advise the video games authority on the classification of linear video footage contained in games which is not integral to the game. This includes, for example, rewards and video content in games which is designed to be viewed in its own right, without taking forward the narrative drive of the game.

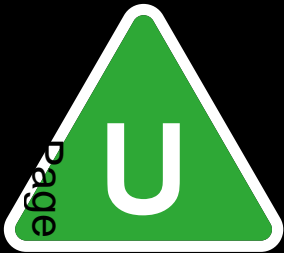
## Virtual reality

The BBFC is responsible for classifying linear VR (virtual reality) content whereas the video games authority is responsible for classifying non-linear VR content.



# The classification categories

We endeavour to classify submitted works in one of the following categories:



The following pages set out guidance on how the specific classification considerations (for example, sex and violence) are applied from U through to R18. The criteria should be read in combination with the general approach set out earlier under ‘Guiding principles’, ‘General classification considerations’ and ‘Specific classification considerations’.

Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations.

# Universal

Suitable for all



A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.

**Dangerous behaviour**

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of or be presented unrealistically. No emphasis on realistic or easily accessible weapons.

**Discrimination**

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of.

**Drugs**

References to illegal drugs or drug misuse must be infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.

**Language**

Infrequent use only of very mild bad language.

**Nudity**

Occasional nudity, with no sexual context.

**Sex**

Only very mild sexual behaviour (for example, kissing) and references to such behaviour.

**Threat and horror**

Scary or potentially unsettling sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

**Violence**

Violence will generally be very mild. Mild violence may be acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).





# Parental Guidance

General viewing, but some scenes may be unsuitable for young children



A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger or more sensitive children.

### Dangerous behaviour

No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.

### Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of, or in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.

### Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

### Language

Mild bad language only. Aggressive or very frequent use of mild bad language may result in a work being passed at a higher category.

### Nudity

There may be nudity with no sexual context.

### Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

### Threat and horror

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings and comedy may be mitigating factors.

### Violence

Violence will usually be mild. However, there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).





# 12A/12

Suitable for 12 years and over



Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12.

No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, we recommend that they check the ratings info for that film in advance.

No one younger than 12 may rent or buy a 12 rated video work.

**Dangerous behaviour**

No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.

**Discrimination**

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

**Drugs**

Misuse of drugs must be infrequent and should not be glamorised or give detailed instruction.

**Language**

There may be moderate bad language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

**Nudity**

There may be nudity, but in a sexual context it must be brief and discreet.

**Sex**

Sexual activity may be briefly and discreetly portrayed. Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable.

**Sexual violence and sexual threat**

There may be verbal references to sexual violence provided they are not graphic. The stronger forms of sexual violence, including rape, may only be implied and any sexual threat or abusive behaviour must be brief and negatively presented.

**Threat and horror**

There may be moderate physical and psychological threat and horror sequences. Although some scenes may be disturbing, the overall tone should not be. Horror sequences should not be frequent or sustained.

**Violence**

There may be moderate violence but it should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.





15

Suitable only for 15 years and over

15

No one younger than 15 may see a 15 film in a cinema.

No one younger than 15 may rent or buy a 15 rated video work.

#### Dangerous behaviour

Dangerous behaviour (for example, suicide, self-harming and asphyxiation) should not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.

#### Discrimination

The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.

#### Drugs

Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through detailed instruction). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

#### Language

There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

#### Nudity

There are no constraints on nudity in a non-sexual or educational context. Sexual nudity may be permitted but strong detail is likely to be brief or presented in a comic context.

#### Sex

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour. Repeated very strong references, particularly those using pornographic language, are unlikely to be acceptable. Works whose primary purpose is sexual arousal are unacceptable.

#### Sexual violence and sexual threat

There may be strong verbal references to sexual violence but any depiction of the stronger forms of sexual violence, including rape, must not be detailed or prolonged. A strong and sustained focus on sexual threat is unacceptable.

#### Threat and horror

There may be strong threat and horror. A sustained focus on sadistic threat is unlikely to be acceptable.

#### Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic violence is also unlikely to be acceptable.





# 18

Suitable only for adults



**No one younger than 18 may see an 18 film in a cinema.**  
**No one younger than 18 may rent or buy an 18 rated video work.**

Adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to us to risk harm to individuals or, through their behaviour, to society. For example, the detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sadistic violence, rape or other non-consensual sexually violent behaviour which make this violence look appealing; reinforce the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour; or which invite viewer complicity in rape, other non-consensual sexually violent behaviour or other harmful violent activities
- where there are more explicit images of sexual activity in the context of a sex work (see right)

In the case of video works, which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

**Sex works at 18**  
Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed 18. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the R18 category. Material which is unacceptable in a sex work at R18 is also unacceptable in a sex work at 18.





# R18

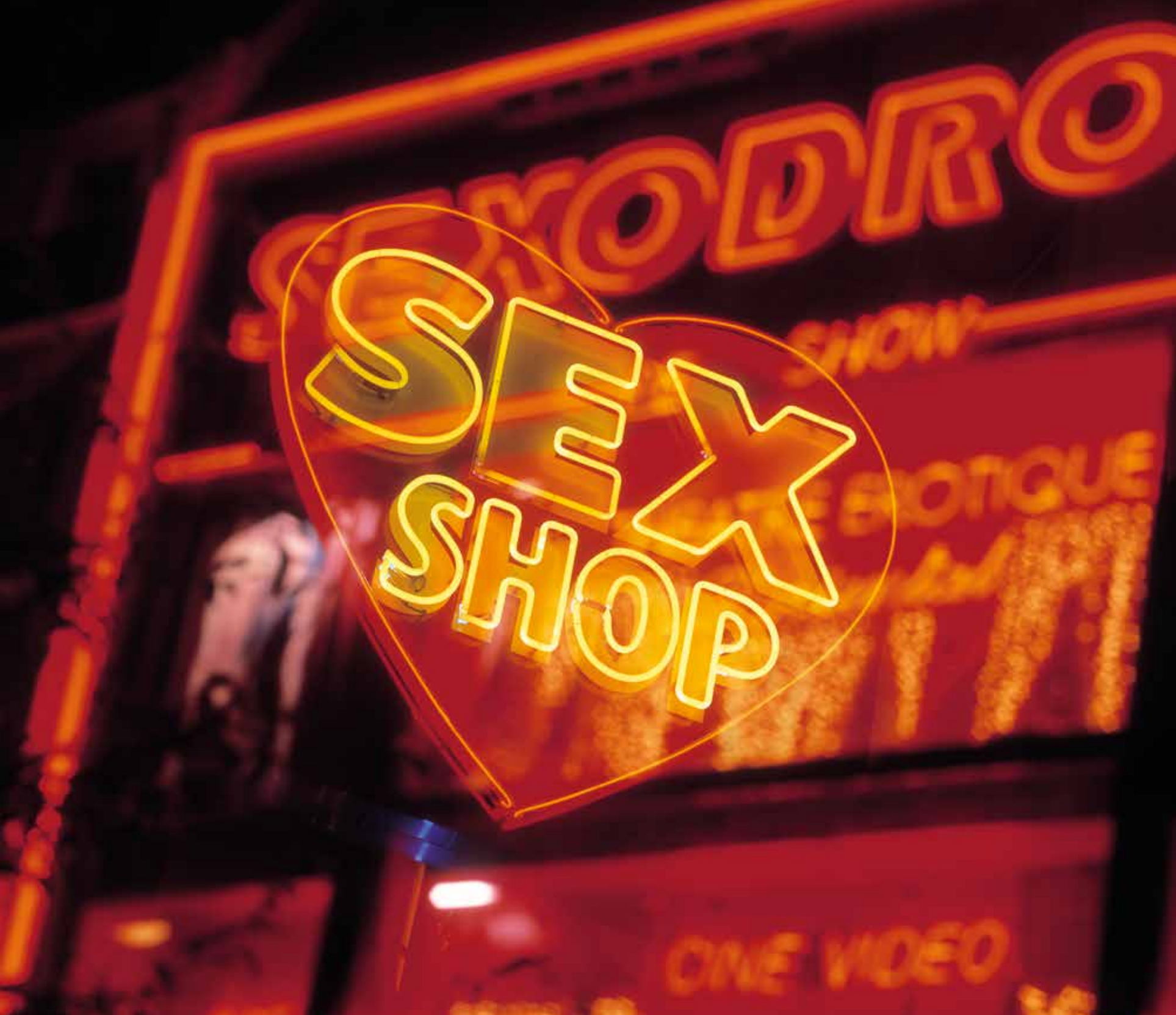
To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only



The R18 category is a special and legally-restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. R18 video works may not be supplied by mail order.

The following content is not acceptable:

- material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 (see Annexe – legal considerations)
- material (including dialogue) likely to encourage an interest in sexually abusive activity which may include adults role-playing as non-adults
- the portrayal of sexual activity which involves real or apparent lack of consent. Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which are likely to cause serious physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for non-abusive, consensual activity
- penetration by any object likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game



# Intervention

**Where possible we will carry out our responsibilities through appropriate use of the classification categories, particularly in order to protect children from any potential harm.**

**If necessary, however, we may cut or even refuse to classify a film or video work.**

In some cases, we require assurances, cuts or other changes (for example, the addition of warning captions) as a condition of classification, or as a condition of classifying at a particular category. In some circumstances we may refuse to classify a work at any category. We publish details of all interventions on our website.

## Cuts for category

If the submitted work is suitable for classification, but only at a category higher than that requested by the customer, we will consider whether a lower category could be achieved through relatively minor or simple changes. If so, we may offer the customer a choice of accepting either the higher or lower category (the latter with defined changes as necessary).

Cuts for category are unlikely to be available if the required changes would be very extensive or complex, or would not address for example, a tonal or thematic issue running throughout the work.

## Compulsory cuts

If a submitted work raises issues or concerns that cannot be addressed by classification at a particular age category, we may require cuts or other changes as a condition of classification. Such intervention is most likely when the submitted work contains:

- material which may promote criminal activity
- material which is obscene or otherwise illegal
- material created by means of the commission of a criminal offence
- portrayals of children in a sexualised or abusive context
- material which makes rape, other non-consensual sexually violent behaviour, or sadistic violence look appealing

- graphic images of real injury, violence or death presented in a salacious or sensationalist manner which risks harm by encouraging callous or sadistic attitudes
- material which reinforces the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour
- material which invites viewer complicity in rape, other non-consensual sexually violent behaviour, or other harmful violent activities
- sex works which contain material listed as unacceptable at R18

When the issue relates to the circumstances of filming (for example, in relation to animal cruelty or public indecency) the customer will normally be given an opportunity to present evidence before a final decision is reached.

## Refusal to classify

As a last resort, the BBFC may refuse to classify a work, in line with the objective of preventing non-trivial harm risks to potential viewers and, through their behaviour, to society. We may do so, for example, where a central concept of the work is unacceptable, such as a sustained focus on rape, other non-consensual sexually violent behaviour or sadistic violence. Before refusing classification we will consider whether the problems could be adequately addressed through intervention such as cuts. In deciding whether to refuse to classify, we will keep in mind the inherent difficulty of using behavioural research to draw conclusions about real world risks, and will have regard to the full range of available evidence, including the views of the public and our own knowledge and experience.



# Engagement with the public

We publish detailed information about the content we classify, which we call ratings info. It's a helpful guide, particularly for parents, that gives a summary of how and why a film or video was given its age rating.

**Ratings info includes:**

- a short description of the issues contained in a film or video, and this appears on the black card shown on the cinema screen before a film starts, for example:

**15** strong violence, sex, language, drug misuse

- we publish a longer, fuller version on our website and app

All content classified since the early 2000s has a short line of ratings info, and content classified more recently also has a longer version, giving you a detailed idea of what issues – bad language, drugs, sex and violence, or the use of discriminatory language or behaviour, for instance – you're likely to find in the film. It also raises any other issues that may be of concern, such as divorce or bereavement.

We try to avoid giving away major plot points. When ratings info does contain plot spoilers we always post a warning. Occasionally, the longer version of ratings info describes full sequences in a film – for example, it might describe a specific fight scene to give you a flavour of the sort of violence in the film and how strong it looks and feels – so be aware of this.

We publish ratings info the moment a film or video is classified, but the longer version may not be available until 10 days before the film opens. Sometimes, we classify films many weeks or even months before they are due to open, which is why not all films listed on our website will have a link to the longer ratings info yet. We encourage viewers to check ratings info when they are choosing content for children and for themselves.

**bbfc.co.uk**

Our website provides a comprehensive database of all the content we classify, including ratings info and information about cuts. You can read the Classification Guidelines, search through our press releases, research and Annual Reports. We also publish case studies on films, including many set film texts for Film Studies courses in the UK, a timeline of key events in our history and regular podcasts.

**cbbfc.co.uk**

Content for younger children, including the chance to rate trailers for children's films and learn more about our work, can be found on CBBFC, our website for children. Parents can also find advice about choosing content for children on VoD platforms and information about our education programme.

**BBFC app**

Our free app for iOS and Android devices lets you check the latest film classifications and ratings info, watch trailers and read our Guidelines.

**Twitter – @BBFC**

We update our Twitter account, @BBFC, with all our news and latest film classification decisions. You can ask us quick questions there too. For more detailed questions, you can email us on [feedback@bbfc.co.uk](mailto:feedback@bbfc.co.uk)

**Newsletters**

We produce a regular newsletter about our latest classification decisions, podcasts and news. Our education team sends a newsletter to teachers once a term, focussing on our outreach programme, partnerships and resources, including case studies. For industry we send a regular update on our services, news and classification turnaround times each quarter. You can sign up to receive any of these newsletters on our website, [bbfc.co.uk](http://bbfc.co.uk)

**Podcasts**

You can stream and download our regular short podcast on our website, Soundcloud and iTunes. Each episode focuses on a particular theme, film or TV series, and their age rating, highlighting key issues we took into account and any interesting facts about the classification process, for example any advice we gave, or reductions made by the film maker or distributor to secure a particular age rating.



# Appeals, advice viewings and feedback

## Appeals

We offer a formal reconsideration procedure which is open to any customer dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take fewer than 10 working days.

A customer may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, our reconsideration. In the case of films, the customer (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works a customer may appeal to the Video Appeals Committee. The VAC is independent of the BBFC and can be contacted by post as follows:

The Secretary  
The Video Appeals Committee  
3 Soho Square  
London  
W1D 3HD

Customers should note that a reconsideration or an appeal involves looking at the issues afresh. This means that the outcome could, in some circumstances, be more restrictive than the original determination.

## Advice viewings

A customer may submit works for advice at any stage of the production process. We will inform them of the likely classification a work will receive, and where appropriate any changes required to achieve the customer's preferred classification. However, advice given in such circumstances is not binding and we reserve the right to reach a different decision when the final version of the work is submitted formally for classification. If the final version of the work submitted for classification differs in any significant respect from that seen for advice, and if those changes appear to reflect advice we have given, then details of the changes will appear on our website.

## Feedback

If you want to send us any feedback about our age ratings or classification decisions, please don't hesitate to email us at [feedback@bbfc.co.uk](mailto:feedback@bbfc.co.uk) or write to us at:

Chief Executive's Office  
BBFC  
3 Soho Square  
London  
W1D 3HD





# Annexe – legal considerations

The following legislation is not listed according to chronology or importance. Instead, it reflects a useful way of explaining the structure of the legal framework that applies to our work.

## The Licensing Act 2003

England and Wales

## Cinemas (Northern Ireland) Order 1991

Northern Ireland

## Cinemas Act 1985

Scotland

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (anyone under 18) to any film to be restricted in accordance with our recommendations or those of the licensing authority. One of the key reasons for the licensing requirement is the protection of children, including from potentially harmful content in films.

## The Video Recordings Act 1984

Video works (including films, TV programmes and some video games) which are supplied on a disc, tape or any other device capable of storing data electronically must have a BBFC classification unless they fall within the definition of an exempted work.

When considering whether to award a certificate to a work, or whether a work is suitable at a particular category, we are required by the Act to have special regard to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with:

- criminal behaviour
- illegal drugs
- violent behaviour or incidents

- horrific behaviour or incidents
- human sexual activity

In considering these issues we have in mind the possible effect not only on children but also on other vulnerable people.

## The Obscene Publications Acts 1959 & 1964

England and Wales

## The Civic Government (Scotland) Act 1982

Scotland

## The Obscene Publications Act 1857

Northern Ireland

It is illegal to publish a work which is obscene. A work is obscene if, taken as a whole, it has a tendency to deprave and corrupt a significant proportion of those likely to see it. Under the Obscene Publications Act 1959, no offence is committed if publication is justified as being for the public good on the grounds that it is in the interests of science, art, literature or learning or other objects of general concern.

In Scotland, case law implies a similar test would be applied. In Northern Ireland, while there is no express defence of “public good” it is likely that English law would be taken into consideration.

## Criminal Justice and Immigration Act 2008

England, Wales and Northern Ireland

## Criminal Justice and Licensing (Scotland) Act 2010/Civic Government (Scotland) Act 1982

Scotland

It is illegal to be in possession of an extreme pornographic image. Under the Criminal Justice and Immigration Act 2008 an extreme pornographic image is one which is pornographic and grossly offensive, disgusting or otherwise of an obscene character, which features an apparently real person, and which portrays, in an explicit and realistic way, an act which:

- threatens a person’s life
- results, or is likely to result, in serious injury to a person’s anus, breasts or genitals
- involves sexual interference with a human corpse
- involves intercourse or oral sex with an animal
- involves non-consensual penetration of a mouth, vagina or anus with a penis or non-consensual sexual penetration of a vagina or anus by anything

Under the Civic Government (Scotland) Act 1982 an extreme pornographic image is one which is pornographic and obscene, and which depicts in an explicit and realistic way, an act which:

- takes or threatens a person’s life
- results, or is likely to result, in a person’s severe injury
- involves rape or other non-consensual penetrative sexual activity

- involves sexual activity involving (directly or indirectly) a human corpse
- involves sexual activity between a person and an animal

Works we classify under the Video Recordings Act are excluded from the scope of the offence across the UK.

## The Protection of Children Act 1978

England and Wales

## Civic Government (Scotland) Act 1982

Scotland

## Protection of Children (Northern Ireland) Order 1978

Northern Ireland

It is illegal to make, distribute, show or possess indecent photographs or pseudo-photographs of a child. It is also illegal to make, distribute, show or possess indecent images of children which have been derived from a photograph or pseudo-photograph (for example, by tracing). Offences relating to the possession of such images are contained within the Criminal Justice Act 1988 (England, Wales and Scotland), and the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988. A child is defined as a person under the age of 18.

**The Coroners and Justice Act 2009**

England, Wales and Northern Ireland

**The Criminal Justice and Licensing Act 2010**

Scotland

It is illegal to be in possession of a prohibited image of a child. A prohibited image of a child is a non-photographic or non-pseudo-photographic image which is pornographic and grossly offensive, disgusting, or otherwise of an obscene character, and which focuses solely or principally on a child’s genitals or anal region, or which portrays specified sexual acts by, of, or in the presence of a child, including masturbation, oral sex or penetration, including sexual acts with animals. A child is defined as being under 18 and an image of a child or other person can include imaginary representations. Works we classify under the Video Recordings Act are excluded from the scope of the offence unless images have been extracted from such works for the purpose of sexual arousal.

**The Sexual Offences Act 2003**

England and Wales

**Sexual Offences (Scotland) Act 2009**

Scotland

**The Sexual Offences (Northern Ireland) Order 2008**

Northern Ireland

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. It is also prohibited for a person to record the private act of another, where the intention of the recording is for the sexual gratification of himself or a third party and where the recorded party has not consented to so being filmed.

**The Criminal Justice and Courts Act 2015**

England and Wales

**Abusive Behaviour and Sexual Harm (Scotland) Act 2016**

Scotland

**Justice Act (Northern Ireland) 2016**

Northern Ireland

It is an offence to disclose a private sexual photograph or film without the consent of any individual who appears in the photograph or film, if it is done with the intention of causing that individual distress (or causing them fear, alarm or distress in Scottish law).

**The Public Order Act 1986**

England, Scotland and Wales

**The Public Order (Northern Ireland) Order 1987**

Northern Ireland

It is illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening, abusive or insulting if the intention is to stir up racial hatred or hatred on the grounds of sexual orientation, or if racial hatred or hatred on the grounds of sexual orientation is likely to be stirred up. It is also illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening if the intention is to stir up religious hatred.

In Northern Ireland the relevant group of persons may be defined not only by colour, race, nationality or ethnic or national origins, but also by “religious belief” or “sexual orientation” or “disability”.

**The Cinematograph Films (Animals) Act 1937**

England, Scotland and Wales

It is illegal to show any scene “organised or directed” for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but we also apply the same test to video works. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as “animals”.

**The Animal Welfare Act 2006**

England and Wales

**The Welfare of Animals Act (Northern Ireland) 2011**

Northern Ireland

**The Animal Health and Welfare (Scotland) Act 2006**

Scotland

It is illegal to supply, publish, show or possess with intent to supply a video recording of an “animal fight” that has taken place within the UK since 6 April 2007.

**The Tobacco Advertising and Promotion Act 2002**

It is illegal, in the course of a business, to publish a tobacco advertisement.

**Blasphemy**

In Scotland and Northern Ireland, the common law crime of blasphemy exists but has not been utilised for prosecution in modern times. The offences of blasphemy and blasphemous libel under the common law of England and Wales were abolished in The Criminal Justice and Immigration Act 2008.

**Human Rights Act 1998**

The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

**Other unlawful material**

In carrying out its responsibilities the BBFC will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.

Get more info on our app

**[bbfc.co.uk/app](https://bbfc.co.uk/app)**

**British Board of Film Classification**

3 Soho Square,  
London,  
W1D 3HD

T 020 7440 1570

**[bbfc.co.uk/about-bbfc/contact-us](https://bbfc.co.uk/about-bbfc/contact-us)**

BBFC Classification Guidelines 2019

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**From:** Lizzie Keohane <[boxoffice@docsireland.ie](mailto:boxoffice@docsireland.ie)>  
**Sent:** 19 June 2025 16:59  
**To:** Darren McCamphill <[McCamphillD@BelfastCity.gov.uk](mailto:McCamphillD@BelfastCity.gov.uk)>  
**Subject:** [EXTERNAL]Local Certification for Film Premiere

**CAUTION:** This email originated from outside our organisation. Do not click links, open attachments, or enter any details unless you recognise the sender and know the content is safe. If you think the email is suspicious please complete the Suspicious email form on interlink.

Hi Darren,

I'm getting in touch on behalf of Belfast Film Festival. We have a premiere screening of [The Negotiator](#) next week as part of Docs Ireland, in collaboration with Queens.

As its a premiere it doesnt yet have BBFC certification. Cineworld have asked us for written notificaton that council is happy for us screen without classification.

There's no adult content in the film, just a talking heads documentary exploring the Good Friday Agreement. I've included some information below and can pass you along to the programming team if you need more detail.

Obviously the event is next week, and we have Senator Mitchell attending, so we're keen to finalise this as soon as possible.

Let me know next steps.

Many thanks,

Lizzie

*Thirty years ago US Senator George Mitchell first arrived in Northern Ireland as President Clinton's special economic envoy. In time his role grew: he chaired the peace negotiations that led to the historic Good Friday Agreement in 1998. That political compromise changed the life of journalist and director Trevor Birney, indeed it changed the lives of an entire generation on the island on Ireland. In this film Trevor Birney (producer of Oscar shortlisted KNEECAP) profiles George Mitchell, weaving between Northern Ireland, Washington DC and Maine to explore the art of negotiation, compromise and lasting peace.*

*This timely, contemporary and deeply personal film poses provocative questions about positive United States engagement with the wider world and how Senator Mitchell - with his inexhaustible patience - turned the apparently impossible into the possible. In a world riven with conflict, The Negotiator considers what is needed to turn war into peace and how enduring political settlements can be found.*

Hi Darren,

Please see attached template form for a bit of clarity. The programming team have suggested 12A due to a sequence of archive footage in the film. We don't have child tickets on sale so we think this will cover all bases.

If you need to see a screener you can do here (please don't circulate).

The Negotiator

-----

Password: -----

Many thanks,

Lizzie



## FILM CERTIFICATION REQUEST

<b>EXHIBITOR/FESTIVAL:</b>	Docs ireland
<b>TO:</b>	<b>Address:</b> 23 Donegal St, Belfast, BT1 2FF <b>Phone:</b> 02890325913 <b>Email:</b> boxoffice@docsireland.ie
<b>SUBJECT:</b>	<b>Film Certification of</b> <u>The Negotiator</u>
<b>DATE:</b>	20/06/25

FILM INFORMATION	
<b>Film name:</b>	The Negotiator
<b>Director:</b>	Trevor Birney
<b>Country:</b>	UK/Ireland
<b>Runtime:</b>	92 Mins
<b>Year:</b>	2025
<b>Synopsis:</b>	
SCREENING DETAILS	
<b>Venue (Name &amp; Address):</b>	Cineworld, Odyssey Arena, Belfast
<b>Date:</b>	25/06/25
<b>Description:</b>	Film Festival Premiere Screening
RECOMMENDED CLASSIFICATION	
<b>Requested certificate:</b>	12A
<b>Dangerous Behaviour:</b>	Discussions of political violence and archive footage of the Troubles
<b>Discrimination:</b>	N/A
<b>Drugs:</b>	N/A
<b>Language:</b>	N/A
<b>Nudity:</b>	N/A
<b>Self-harm:</b>	N/A
<b>Sex:</b>	N/A
<b>Sexual Violence:</b>	N/A
<b>Threat and horror:</b>	Discussions of political violence and archive footage of the Troubles
<b>Violence:</b>	Discussions of political violence and archive footage of the Troubles
SCREENER	
<b>Trailer link:</b>	
<b>Screener link:</b>	Sent seperately in email
<b>Password:</b>	
<b>If no screener link is available:</b>	I request an 18 certificate and confirm that the film contains no content that would instead render it an R18 in accordance with BBFC guidelines.

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