

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



**Belfast
City Council**

MEETING OF THE LICENSING COMMITTEE
-REPORT TO FOLLOW

Dear Alderman/Councillor,

The above-named Committee will meet both online and in-person, in the Lavery Room, City Hall on Wednesday, 10th December, 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:

2. Delegated Matters

- (c) Provisional Grant of an Amusement Permit for 51 Rosemary Street (Pages 1 - 96)

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Belfast
City Council

LICENSING COMMITTEE

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

Restricted Reports

Is this report restricted?

Yes

☐

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

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☐
☐
☐

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 the application for the Provisional Grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order), including the consideration of a representation which has been received, as a result of the public notice, objecting to the application.		
	Area and Location	Ref. No.	Applicant
	Twilight Zone 51 Rosemary Street Belfast BT1 1QB	Applic:23660	Mr Samuel Stranaghan, EZE Gaming Ltd. Ava House, Prince Regent Road, Belfast, BT5 6QR
1.2	The applicant company has operated an existing amusement arcade at 13 North Street for over 20 years. The applicant has confirmed that the North Street location would be closed if this application for the Provisional Grant of an Amusement Permit is approved.		
1.3	A location map is attached as Appendix 1 and a layout plan of the proposed premises as Appendix 2.		
2.0	Recommendations		
2.1	In considering the application for the Provisional Grant of an Amusement Permit, the Committee shall have regard to the requirements of the 1985 Order and to also to the criteria set out within Belfast City Council’s Amusement Permit Policy for the assessment of the suitability of the site of the proposed amusement permit.		
2.2	Under the Order the Committee shall have regard to the following:		
	a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, and		
	b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,		
	c) In considering the fitness of a body corporate to hold an amusement permit, the Council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly,		
	d) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and		
	e) Representation, if any, as a result of the public notices of advertisement.		
2.3	You are then required to make a decision based on the following options set out under the Order. You must refuse the application unless satisfied that:		
	a) The applicant is a fit person to hold an Amusement Permit; and		
	b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.		

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

3.7	All gaming machines are to pay out a maximum all cash prize of £500, with a maximum stake of £2, in line with the Gaming (Variation of Monetary Limits) Order (Northern Ireland) 2025 became law on 29 January 2025. Admission is restricted to persons aged 18 or over.
3.8	<p>The proposed opening hours of the premises, as specified on the application, are:</p> <p style="margin-left: 40px;">Monday to Saturday: 8.00 am to 12.00 midnight Sunday: 12.00 noon to 11.00 pm</p> <p><u>Planning matters</u></p>
3.9	Planning permission for change of use from retail to amusement arcade and adult gaming centre was granted on the 4 October 2024 (Application Reference: LA04/2023/4162/F).
3.11	It is noted that Condition 2 of the planning approval states “When open on a Sunday the Arcade and Adult Amusement Centre hereby approved shall only operate between the hours of 12.00 and 23:00. Reason: To safeguard the amenity of neighbouring properties.”
3.12	In an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations and while the council should be slow to differ from the views of the planning authority, it is entitled to do so.
3.13	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
3.14	<p>As is stated within the Amusement Permit Policy, in coming to its own decision, the Council is not bound to accept in its entirety the decision of the planning authority.</p> <p>A copy of the planning permission is attached as Appendix 3.</p>
4.0	Main Report – Key issues
	<u>Amusement Permit Policy</u>
4.1	Members are reminded that the Council’s Amusement Permit Policy was ratified at Council on 1 May 2013. The policy outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.
4.2	All applications for the provisional grant or grant of an amusement permit are assessed against Belfast City Council’s Amusement Permit Policy.
4.3	<p>The key objectives of this policy are to:-</p> <ol style="list-style-type: none"> 1. Promote the retail vibrancy and regeneration of Belfast; 2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. Support and safeguard residential communities in Belfast; 4. Protect children and vulnerable persons from being harmed or exploited by gambling; 5. Respect the need to prevent gambling from being a source of crime and disorder.
4.4	The Policy consists of two components which are considered below:

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

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

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

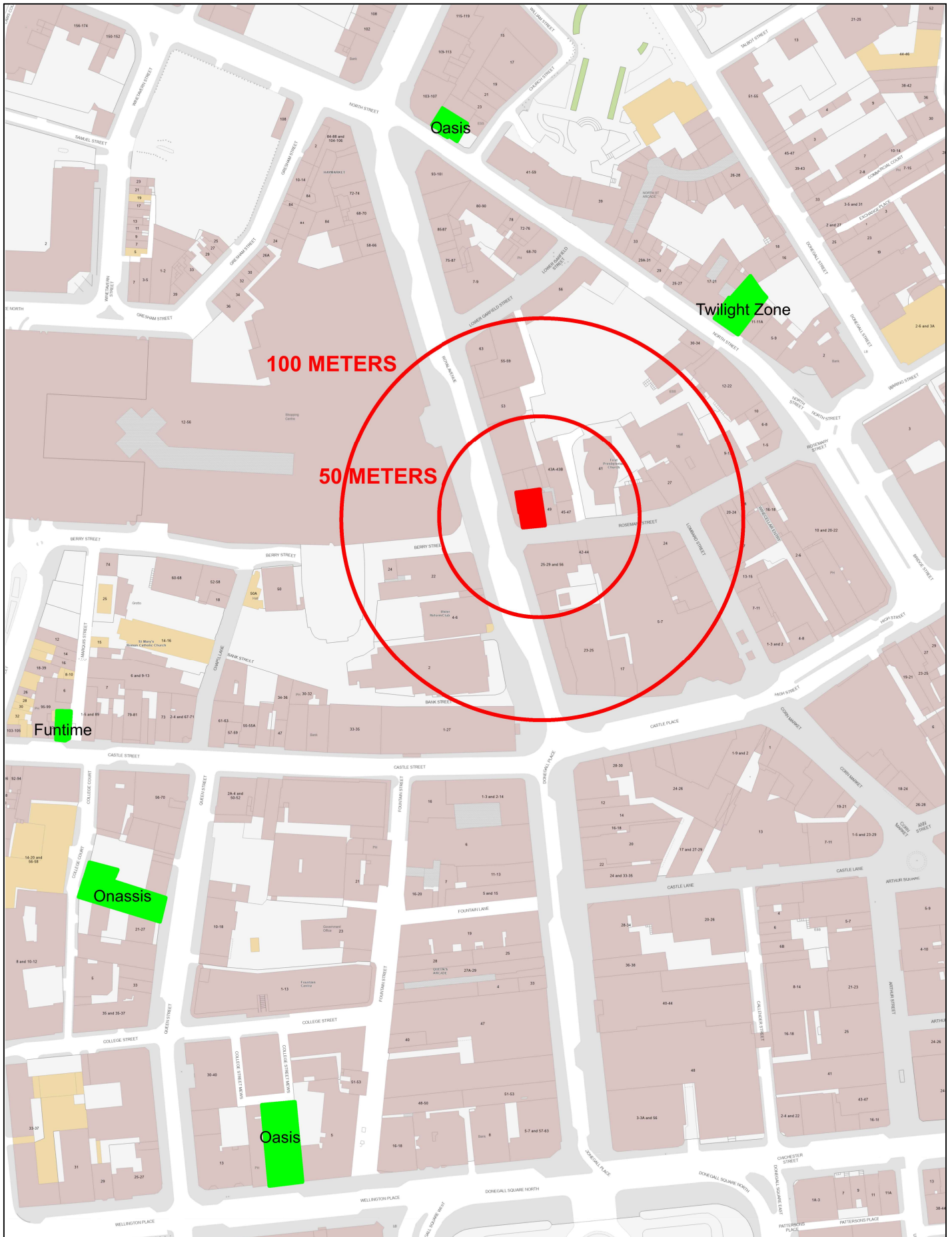
¹ Placemaking and Urban Design, Supplementary Planning Guidance, Belfast City Council, May 2023

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

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

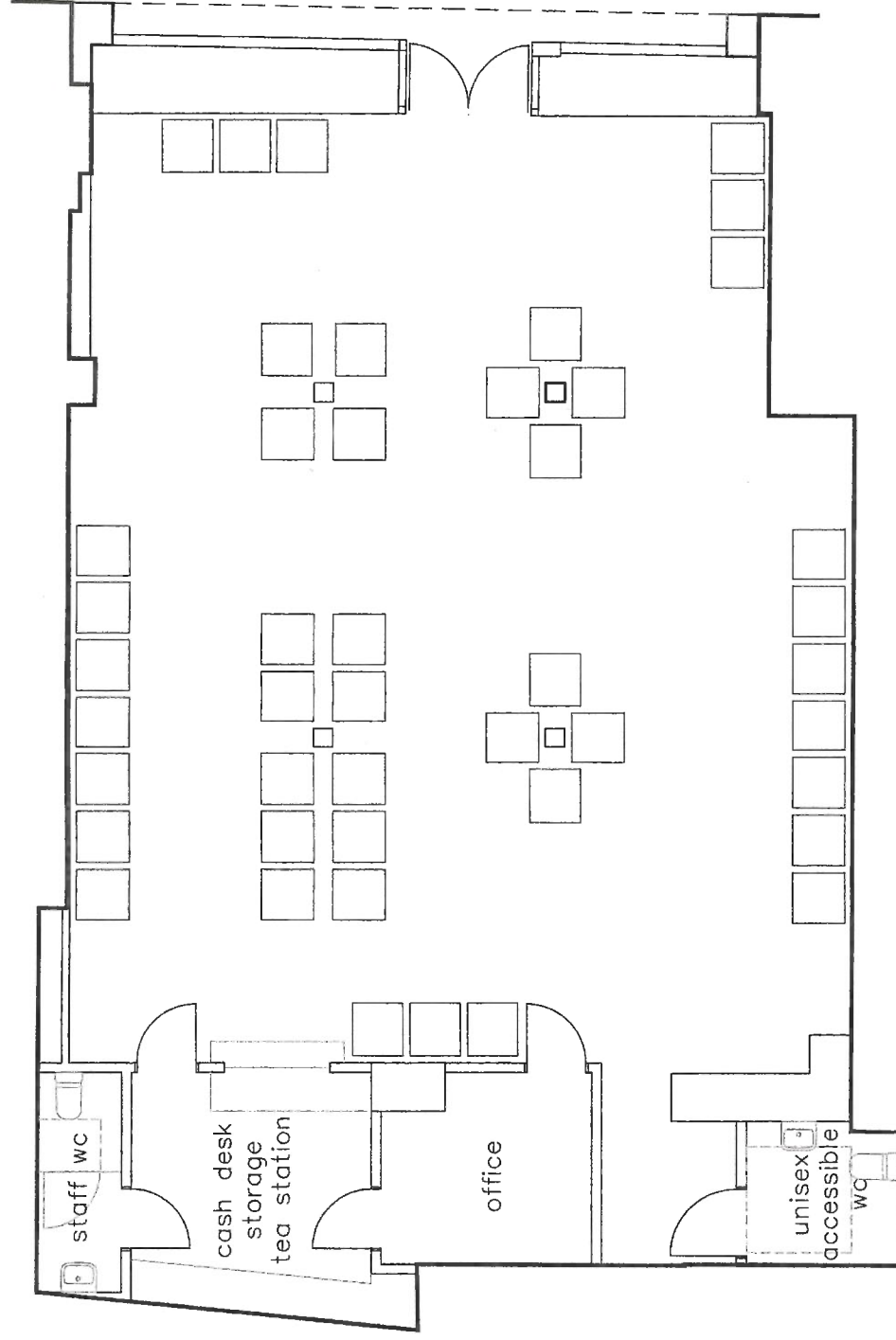
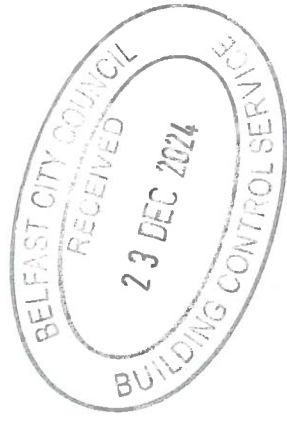
4.45	<p>There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises. While it is respectfully acknowledged that the First Presbyterian Church facilitates meetings involving vulnerable people it is not considered to fall under this criteria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

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



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PROPOSED GROUND FLOOR PLAN 1:100



RETAIL UNIT
51 ROSEMARY STREET, BELFAST, BT1 1QB.
SK04 - PROPOSED FLOOR PLAN
scale 1:100 at A3

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PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA04/2023/4162/F**

Date of Application: **10 October 2023**

Site of Proposed
Development:

**51 Rosemary Street
Town Parks
Belfast
Antrim
BT1 1QB**

Description of Proposal:

**Change of use from retail unit to amusement arcade and
adult gaming centre.**

Applicant: Sam Stranaghan
Address: EZE Gaming Ltd
Ava House

14 Prince Regent Road
Belfast
BT5 6QR

Agent: Sam Stranaghan
Address: EZE Gaming Ltd
Ava House

14 Prince Regent Road
Belfast
BT5 6QR

Drawing Ref: 01, 02, 03, 04

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 shall be begun before the expiration of 5 years

from the date of this permission.

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

2. The hereby approved Amusement Arcade and adult gaming centre shall only be operational between the hours of 12.00 and 23.00 on a Sunday.

Reason: To safeguard the amenity of neighbouring properties.

Informatives

1. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

2. AMUSEMENT PERMIT

In accordance with the Betting, Gaming, Lotteries and Amusement (Northern Ireland) Order 1985, the applicant must apply to Belfast City Council, Building Control for an application form to apply for an amusement permit.

Dated: 4 October 2024

Authorised Officer:



Place and Economy Department
Planning and Building Control

Belfast Planning Service
Cecil Ward Building
4 – 10 Linenhall Street
BELFAST
BT2 8BP



Bill McAlister
34 Ballybarnes Road
Newtownards
BT23 4UE

Date: 28 October 2024
Your Ref: None
Our Ref: LA04/2024/1688/NMC
(Please quote at all times)

Contact: Conor Merron

Tel: 02890 500510



Dear Sirs,

LA04/2024/1688/NMC

Proposal: - Non-material change to alter wording of condition no.2 of planning application LA04/2023/4162/F

Location: - 51 Rosemary Street, Belfast, BT1 1QB

I refer to the above application for a Non-Material Change to planning permission (LA04/2023/4162/F). The planning permission was granted on 28th April 2023.

Legislative Framework

Section 67 of the Planning Act (Northern Ireland) 2011 gives the Council the power to make a Non-Material Change to a planning permission. The Council must be satisfied that the change is not material. In deciding whether a change is material, the Council must have regard to the effect of the change, together with any previous Non-Material Changes granted.

Section 67 (3) gives the Council the power to impose new conditions; and to remove or alter existing conditions.

Background

The purpose of the Non-Material Change is to amend condition 2 of planning approval LA04/2023/4162/F which states: -

The hereby approved Amusement Arcade and adult gaming centre shall only be operational between the hours of 12.00 and 23.00 on a Sunday.

Reason: To safeguard the amenity of neighbouring properties.

Guidance

Development Management Practice Note 25: Non-Material Changes, published by the Department for Infrastructure in April 2015, is relevant.

There is no statutory definition of a Non-Material Change. Discretion rests with the Council as to whether the amendments constitute a non-material change to a planning permission within the scope of the original permission.

Paragraph 7.5 of the Practice Note 25 states that a council may wish to assess whether a proposed change may give rise to any of the following. It is stressed that this is not a comprehensive list and each application for a Non-Material Change must be judged on its own merits.

1. any potential conflict with planning policy;
2. any alteration to the application site boundary;
3. any potential conflict with any of the conditions on the planning permission;
4. an exacerbation of concerns raised by third parties at the original application
5. an extension to development already approved;
6. an increase in height of the building or extension;
7. any potential overlooking of a neighbouring property;
8. a material change in the design of the building;
9. new works or elements not considered by any environmental statement submitted with the application;
10. the requirement for any consultations to be undertaken or any public advertising or neighbour notification.

Assessment

The proposed Non-Material Change seeks to amend the wording of condition 2 to provide clarity on the opening hours of the Amusement Arcade and adult gaming centre. The amendment will not alter the original purpose of the condition but rather clarify that the Amusement arcade/adult gaming centre will be operational between Monday and Saturday, with no restrictive opening hours and operate on a Sunday between the hours of 12.00 and 23.00. The proposed amendment does not conflict with advice provided by Environmental Health.

The applicant initially sought to change the wording of the condition from:

- *The hereby approved Amusement Arcade and adult gaming centre shall only be operational between the hours of 12.00 and 23.00 on a Sunday.*

Reason: To safeguard the amenity of neighbouring properties.

to

- *The hereby approved Arcade and Adult Amusement Centre shall be open Monday to Saturday with no restricted opening hours and on a Sunday between the hours of 12.00 and 23.00hrs*

To ensure the proposed amendment is considered non-material and the reasoning of the original condition is retained it was agreed with the applicant to amend the condition to read:

- *'When open on a Sunday the Arcade and Adult Amusement Centre hereby approved shall only operate between the hours of 12.00 and 23.00hrs*

Reason: To safeguard the amenity of neighbouring properties.'

The proposed amendment as noted above is considered non-material and there is no conflict with the considerations of paragraph 7.5 of the Development Management Practice Note. It does not alter the original purpose of the condition, despite changing its wording. The amended wording provides greater clarity on the restrictions for operating on a Sunday.

Decision

The Council approves the Non-Material Change. Condition 2 of planning approval LA04/2023/4162/F is amended as follows (edits in bold):

When open on a Sunday the Arcade and Adult Amusement Centre hereby approved shall only operate between the hours of 12.00 and 23.00hrs

Reason: To safeguard the amenity of neighbouring properties.

Administration

A copy of this decision will be published on the Planning Portal alongside the decision for the original planning permission so that they can be ready together.

The applicant is referred to the informatives attached to the decision.

Please let the Planning Service know should you require any further assistance.

Yours sincerely,



Director of Planning and Building Control

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

27th May 2025

Dear [REDACTED]

Provisional Grant at 51 Rosemary Street.

Please note there are no current grounds for PSNI objections to the above amusement permit application relocating the existing Twilight venue from 13 North Street to 51 Rosemary Street being further considered by Belfast City Council, residents, other local business and NIFRS.

The Gaming (Variation of Monetary Limits) Order (Northern Ireland) 2025 became law on 29th January 2025.

This Order makes provision for increasing the maximum amounts that may be paid by any one person for a chance to win a prize and further provision for increasing the maximum entitlement to prizes for gaming on a bingo club premises, gaming by means of a gaming machine in a registered club, on licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996, any licensed office and machines installed on premises where an amusement permit is in force. The changes are outlined below: -

For Gaming (other than by means of a machine) increase

- the maximum amount that may be paid by any one person for any one chance to win a prize in gaming on bingo club premises, other than by means of a machine, from £0.50 to £1;
- the limit on the maximum aggregate amount that may be taken by way of the sale of chances in any single determination of prize winners in gaming on bingo club premises, other than by means of a gaming machine from £120 to £500;
- the maximum money prize which can be distributed or offered in any single determination of prize winners in gaming on bingo club

premises, other than by means of a gaming machine from £25 to £100; and

- the maximum permitted aggregate amount or value of prizes in any single determination of prize winners in gaming on bingo club premises, other than by means of a gaming machine, from £120 to £500.

For Machine Gaming increase

- the maximum permitted charge in respect of playing one game by means of a gaming machine in a registered club from £0.50 to £2. A separate Statutory Rule has also been introduced (on 4 March 2025) which increases the maximum prize to £400;
- the maximum charge in respect of playing any one game by means of a gaming machine installed in a licensed premises within the meaning of The Licensing (Northern Ireland) Order 1996 from £0.30 to £1;
- the maximum charge in respect of playing any one game by means of a gaming machine installed on a bingo club premises, licensed office or on a premises for which there is an amusement permit from £0.30 to £2;
- the maximum entitlement to a money prize in respect of any one game played by means of a gaming machine installed in a licensed premises from £25 to £100; and
- the maximum entitlement to prizes in respect of any one game played by means of a gaming machine installed on a bingo club premises, licensed office or on a premises for which there is an amusement permit in force from £25 to £500.

██████████
Licensing Constable
Belfast City

Extension: 21812

Mobile: ██████████

Email: ██████████ [@psni.police.uk](mailto:██████████@psni.police.uk) Musgrave Police Station • 60
Victoria Street • Belfast • BT1 3GL

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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:

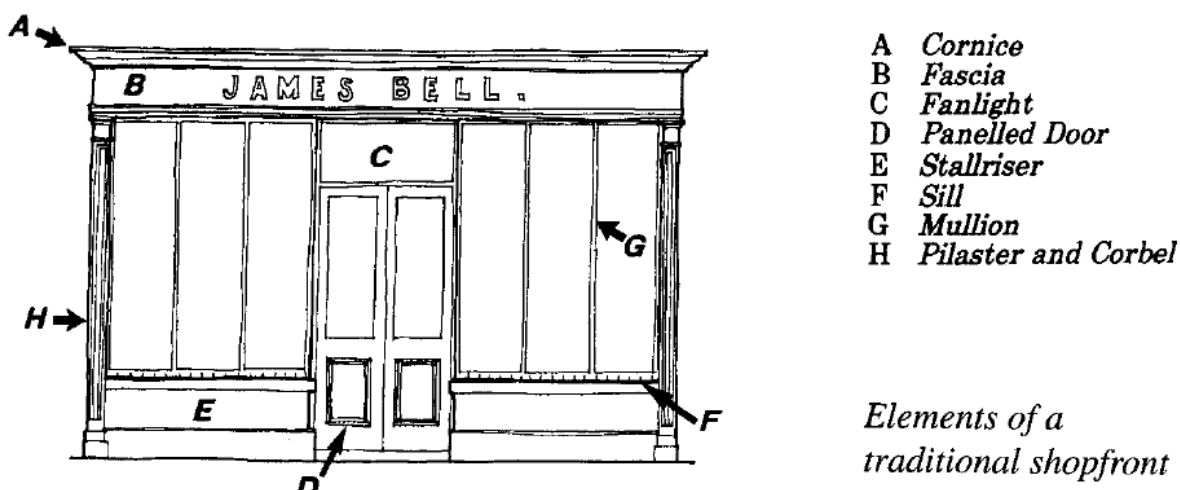
- **Illumination** – as a general rule illumination should be kept to a minimum and no floodlighting of premises will be permitted, save for trough/spot lighting over the fascia.
- **Form of advertising and window displays** – the name of the business should be clearly advertised in the window. Legislation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

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Additional copies available on request or from our webpage.

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