

# Document Pack

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



13 February 2013

## **MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Wednesday, 20th February, 2013 at 4.30 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

## **AGENDA:**

### **1. Routine Matters**

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

### **2. Non-Delegated Matters**

- (a) Amusement Permit Policy (Pages 1 - 56)

### **3. Delegated Matters**

- (a) Licences issued under delegated authority (Pages 57 - 60)

- (b) Application for the renewal of a 7-day annual Entertainments Licence for Teach Na Monagh (Pages 61 - 66)
- (c) Application for the renewal of a 7-Day Annual Entertainments Licence for Grove Tavern (Pages 67 - 72)
- (d) Application for the Variation of a 7-Day Annual Entertainments Licence for Filthy McNasty's, Dublin Road (Pages 73 - 92)
- (e) Objections to the application for the renewal of a 7-day annual Entertainments Licence for Ligoniel and District Homing Pigeon Club (Pages 93 - 110)

**Belfast City Council**

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Amusement Permit Policy</b>
<b>Date:</b>	20 February 2013
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, Ext: 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext: 2435

<b>1</b>	<b>Relevant Background Information</b>
1.1	The Committee will recall a briefing session, held on 4 April 2012, to update Members on the work being undertaken to formulate an Amusement Permit Policy for the Council. Members of the Town Planning Committee were also invited to this briefing.
1.2	At the briefing session Dr Anthony Quinn of Braniff Associates, a consultant with experience of policy formulation and planning matters, outlined the draft policy for Members. The policy has been framed on the basis of: <ul style="list-style-type: none"> <li>▪ Background research into legal and planning issues, including comparative analysis with permit/licensing policies elsewhere;</li> <li>▪ Appraisal of the industry, including its market outlook and social implications;</li> <li>▪ Consideration of a number of policy options before deciding upon the aim &amp; objectives of the policy;</li> <li>▪ Providing guidance to assist the Council in assessing the suitability of the location for an amusement arcade;</li> <li>▪ Detailing those matters which the Council will consider in assessing the suitability of the applicant and the nature of the premises proposed.</li> </ul>
1.3	The Council has had several legal challenges to its decisions in respect of amusement permit applications. A Court of Appeal decision regarding an application for Ann Street 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'.
1.4	In light of that court decision, the scope of the policy includes developing procedures for better co-ordinating communication between the Town Planning Committee and the Licensing Committee in relation to applications which fall under the consideration of both Committees.

<b>2</b>	<b>Key Issues</b>
2.1	The draft Amusement Permit Policy was subsequently put to public consultation for a 12 week period from 1 October to 21 December 2012.
2.2	The consultation documents were distributed to all the usual Council consultees by e-mail or hardcopy, as well as to all Members, Belfast MLAs, main statutory and industry stakeholders and current Amusement Permit holders. The consultation was also presented to the Consultative Forum on 3 October 2012 for consideration and was published on the Council's social media and web-sites.

2.3	We received five responses in total, three responses from statutory bodies; the Police Service of Northern Ireland (PSNI), the Northern Ireland Fire and Rescue Service (NIFRS), and the Planning Policy Division of the Department of Environment and two responses from the Industry. Appendix 2 contains a summary of the consultation responses and Appendix 3 contains a full copy of the responses received.
	<b>Responses from statutory bodies:</b>
2.4	The PSNI strongly agreed with the overall aim of the policy and strongly supported the five key objectives. The police have asked that the criteria in relation to proximity to vulnerable people's residential institutions recognise children's homes and hostel accommodation used for bail/probation purposes.
2.5	The 'Police Questionnaire' in Appendix B of the draft Policy has been amended accordingly to seek police opinion on the location of a proposed amusement arcade due to its proximity to a residential institution used for bail/probation purposes.
2.6	The NIFRS gave no opinion about the overall aim of the policy or the five key objectives but asked that the Council has regard to fire safety matters, such as the outcome of any fire risk assessment audit carried out by the NIFRS on the premises, when granting or renewing any amusement permit.
2.7	A line has been added to the draft Policy, under the section on assessing amusement permit applications, stating that 'Prior to granting or renewing any amusement permit the Council will have regard to comments from any relevant statutory agency in relation to fire or any other safety matters'. This will be achieved through the fire safety consultation process in the application procedure.
2.8	In their response, the Planning Policy Division of the Department of Environment (DOE) officially confirmed that the Amusement Permit Policy can be considered a material consideration in the determination of planning applications.
2.9	Being considered as a material consideration, we should expect that DOE Planning will attach the appropriate weight to it when assessing applications for planning permission for amusement arcades within Belfast.
2.10	As a result of consultation with DOE Planning, the draft Policy has been amended to reflect its status as a material planning consideration and to remove references to Draft DOE policy which may not be adopted, such as draft PPS 5.
2.11	It will be important that mechanisms are established to ensure that the Town Planning Committee are aware of the Policy, once adopted, and that they take it into account in their decision-making for related planning applications for amusement arcades. Officers will work to put the necessary mechanisms in place, upon adoption of the Policy.
	<b>Responses from the Industry:</b>
2.12	One industry respondent welcomed the introduction of a policy and said that in isolation the five key objectives are all admirable. The other industry respondent strongly disagreed with the five key objectives and the need for a policy.
2.13	Both expressed concern that the Policy and the five objectives were, in their view, written with a negative perspective towards amusement arcades and that there was a clear anti-gaming inference. For example one commented 'Generally the draft policy document demonstrates a view that amusement premises are socially undesirable and have a negative effect on the general area in which they are located.'
2.14	Both raised the concern that the Council and the Policy was straying too much into the remit of Planning. One expressed the view that the Policy was attempting to rewrite planning

	<p>policy in a manner that is deliberately designed to undermine applications and with the deliberate intention of introducing a blanket ban provision into the legislative framework, further commenting that issues of vibrancy and regeneration are obvious planning matters, to which Belfast City Council are a statutory consultee.</p>
2.15	<p>Confirmation by DOE Planning that the draft Policy can be considered a material consideration in the determination of planning applications for amusement arcades suggests that the Council's position on planning issues within the draft Policy is sound.</p>
2.16	<p>One of the respondents said that in the draft Policy 'There is no distinction made between adult premises and non-adult premises'.</p>
2.17	<p>In response, a clearer explanation of the types of gaming machines, premises and associated age restrictions has been included in the introduction to the draft Policy.</p>
2.18	<p>One respondent disagreed with the need, in exceptional circumstances, to assess the suitability of a location in a renewal application.</p>
2.19	<p>It was never the intention to routinely assess the suitability of the location in a renewal application. Nevertheless, in order to help clarify this matter, the policy wording has been amended to state that when determining an application for a renewal of an amusement permit the Council will only assess the suitability of the location in <u>very</u> exceptional circumstances.</p>
	<p><b>Impact on retail vitality and viability of Belfast</b></p>
2.20	<p>One industry respondent disagreed with our intention not to grant an amusement permit where it would break up an otherwise continuous shopping frontage, claiming this would make it almost impossible for any premises to obtain a permit.</p>
2.21	<p>This is not a point which we believe to be valid. Recent applications that we have received demonstrate that this particular consideration does not categorically rule out opportunities to apply for amusement permits.</p>
2.22	<p>In response to concerns about the weight attached to the vacant state of proposed premises, the draft Policy wording has been altered to make it patently clear that the existing use of the proposed premises will be a material consideration in the assessment of the amusement permit application. Having stated this, it is only one of a number of considerations when assessing an application and the draft policy makes it clear that each application will be assessed on its own merits. In other words, while every application will be carefully considered the Council will not allow the fact that the property is vacant to overshadow all other considerations to the detriment of reaching a balanced decision.</p>
	<p><b>Cumulative build-up of amusement arcades in a particular location</b></p>
2.23	<p>A respondent considered it inappropriate to have a prohibition against premises holding an existing amusement permit to extend, if there is a demand, into an adjacent unit. The view is also given that the policy should recognise the difference between a completely new application and an application where an existing amusement permit is being surrendered and a premises re-located, such as at the end of a lease or for re-development.</p>
2.24	<p>In response, it must be stressed that the draft Policy is for guidance and while, for example, the extension of an existing amusement arcade may be contrary to the draft Policy, each application for an amusement permit must be treated on its own merits. It should also be noted that there is no facility in the legislation to extend an existing amusement permit premises, or to take surrendering of an existing permit into account. If an extension or re-location of the premises is proposed a new amusement permit will be required and the application must be treated as one which can be granted or refused.</p>

<p>2.25</p> <p>2.26</p> <p>2.27</p> <p>2.28</p> <p>2.29</p> <p>2.30</p>	<p><b>Proximity to schools, youth centres and residential institutions</b></p> <p>Both industry respondents disagreed with this criterion being applicable to all amusement permit applications. One gave the opinion that properly presented and managed premises with age controls (over 18 years of age restriction) do not represent any problem with their neighbours, stating 'We fully respect the importance of protecting young and vulnerable people. Age control and responsible management ensure that this is not an issue'. One respondent stated the view that this was a matter for the Statutory regime, giving the example that the 1985 Order contains express provisions prohibiting the proximity of Bookmakers' offices to schools and youth centres but it does not do likewise for amusement arcades.</p> <p>The Police response strongly supported this criterion and while acknowledging 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, we believe that a <u>precautionary</u> approach is needed for applications made near locations where children, young persons and vulnerable people meet.</p> <p>This objective is also in keeping with the prevailing gambling legislation in GB, where councils have embodied it as a core objective of their licensing policies. The wording of the draft Policy was altered slightly to better reflect the above.</p> <p>The points raised by the Industry have been discussed with Legal Services and our consultant, and we are comfortable that the aim, five key objectives, and the criteria for assessing the suitability of a location contained in the Policy are sound and reasonable.</p> <p>The Legal Services Manager and our consultant will be available at your meeting should you need further clarification on the amendments that have been made to the draft Policy or on any of the points raised in the consultation responses.</p> <p>The final draft Amusement Permit Policy is attached for your approval.</p>
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<p><b>3</b></p> <p>3.1</p> <p>3.2</p> <p>3.3</p>	<p><b>Resource Implications</b></p> <p><b><u>Financial</u></b> None.</p> <p><b><u>Human Resources</u></b> If the draft Policy is approved there will be additional work for officers to carry out in assessing applications against the Policy and ensuring proper liaison takes place with the Town Planning Committee. This can only be quantified once the Policy is agreed.</p> <p><b><u>Asset and Other Implications</u></b> None.</p>
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<p><b>4</b></p> <p>4.1</p>	<p><b>Equality and Good Relation Implications</b></p> <p>The equality screening process has been completed and the relevant equality considerations have been met.</p>
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<p><b>5</b></p> <p>5.1</p>	<p><b>Recommendations</b></p> <p>Taking into account the issues raised in the consultation responses and the comments thereon the Committee is asked to;</p>
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5.2	<ul style="list-style-type: none"><li>• Consider the re-drafted Amusement Permit Policy and, subject to any amendments you may require, recommend that it be approved.</li></ul> <p>As such matters are not a delegated function of the Licensing Committee any recommendation will be subject to ratification by Council.</p>
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<b>5</b>	<b>Decision Tracking</b>  The Head of Building Control will be responsible for ensuring any amendments are made prior to the final draft Policy being presented to Council.
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<b>6</b>	<b>Documents Attached</b>  Appendix 1: Final Draft Amusement Permit Policy Appendix 2: Summary of Consultation Responses Appendix 3: Copy of Full Responses
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<b>7</b>	<b>Abbreviations Used</b>  BMAP Belfast Metropolitan Area Plan 2015 PPS 5 DOE's Planning Policy Statement 5 on Retailing in Town Centres
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# Draft Amusement Permit Policy

For public consultation



## **Introduction**

To operate an amusement arcade a person must apply to us for an amusement permit. We are directly empowered to grant or refuse amusement permits in Belfast under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended) (also known as the 1985 Order).

This means that we issue amusement permits to premises, commonly known as amusement arcades, that have 'amusement with prizes machines' (normally known as gaming machines). Except in the case of renewals, applicants are normally required to first obtain planning permission for an amusement arcade before applying for a new 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 typically restricted to adults as many premises operate higher prize machines only.

An amusement arcade is defined as premises which are being used wholly or mainly for amusement by gaming machines. We 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.

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 NI may apply to gaming machines in these establishments.

## **Aim and scope of policy –why do we 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.

This policy has been developed for the purpose of promoting consistency in the determination of applications and with a view to informing applicants and other interested parties of those matters which may be taken into account in the decision-making process. Notwithstanding those considerations expressly referred to in this policy, the Council will take into account any relevant matter and may depart from this policy when it deems it appropriate to do so.

The need for this policy was highlighted by the outcomes of previous Court Judgments on amusement permit applications. These indicated a requirement for the Council to make clear its position on the issues to be considered when deciding to grant or refuse an amusement permit application under the 1985 Order. Some of these issues relate to planning considerations, which, according to Court rulings, the Council is entitled to take into account. The planning considerations contained in this amusement permit policy

largely pertain to the five criteria used to assess the suitability of the proposed location for an amusement arcade.

While the policy is primarily intended to serve as a guide for assessing applications for amusement permits by the Council's Licensing Committee, its interrelationship with planning considerations implies that the policy should also be material to decision-making on 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 from DOE (NI) Planning before applying for an amusement permit from us.

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 applications of this type in 2015. Until this transfer of power takes place, this amusement permit policy will be a material consideration in determining planning applications by DOE (NI) Planning. With this in mind, the policy is deliberately framed to be broadly consistent with regional planning guidance on amusement arcades. At the same time, it is tailored to take into account the particular detailed planning considerations that apply to the Belfast City Council area, as stated in the Development Plan and other relevant documents.

It is not the intention of this permit policy to rewrite regional planning policy for amusement arcades. Instead, in the interest of transparency, it is intended to clarify how the Council will interpret and apply regional planning policy within its own Council area. Through this policy the Council aims to promote consistency in decision-making between the Council and DOE (NI) Planning and thereby reduce the likelihood of conflicts arising on issues that are common to both permit applications and related planning applications.

In exercising our duties and responsibilities under this policy, we have been, and will continue to be mindful of our obligations under the Human Rights Act 1998. We will pay particular attention to the implications of the policy for a person's human rights, to ensure that all subsequent actions are lawful, reasonable and proportionate to the given situation.

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 related legislation.

## **Objectives of the Policy**

The key objectives of this policy can be largely linked to our 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, especially 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 GB Gambling Act 2005, which are currently being considered by DSD (NI) to form part of the review of gambling legislation in NI.

## **Assessing amusement permit applications**

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

1. have regard to our legal requirements under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended); and will
2. assess the suitability of the location for a proposed amusement arcade based on a number of assessment criteria. These have been prepared within the context of the key objectives of the policy, and in light of all research findings, including the legal and planning policy review and a comparative analysis with Great Britain (GB) and the Republic of Ireland (ROI).

We will consider both these components of policy when deciding on **new** amusement permit applications. When determining an application for **renewal** of an amusement permit we will primarily focus on the legal requirements, and will only consider our assessment criteria in very exceptional circumstances.

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

### **Legal requirements under the 1985 Order (as amended)**

In accordance with the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended) we 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, we 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 amusement permit policy aims to ensure that players are protected from illegal or unscrupulous operators.

Under the 1985 Order we are statutorily obliged to consider the fitness of a person who is, or proposes to be, the occupier of the premises. Accordingly, we 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 on board the considered views of the Police (see No.3 below) we will request that the reputation of the applicant is 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**

*We 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. We are keen to ensure that the premises do not openly encourage gambling.

### **3. Opinion of the Police**

*We will attach significant weight to the opinion of Police when assessing an application, in relation 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 applicant must send a copy of their amusement permit application to the Police. It is important we get 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 indicates that the vicinity of the proposed amusement centre has been associated with abnormal levels of antisocial behaviour, or has been the subject of police intervention in the past. To this end, we will request that the Police complete a short questionnaire on the applicant and premises, a sample of which is contained in Appendix B.

### **4. Submissions from the general public**

*We 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 and they take into account all submissions received, 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 amusement permit policy, particularly those relating to support for retailing and residential communities, we will carefully consider submissions we receive from neighbouring properties and will consider them whether they are made by businesses, residents or any other interested party.

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

We have five criteria which will be examined by us 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 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. This clause in the legislation allows us the flexibility to take into account a change in circumstances that may influence the Amusement Permit Policy. An example of this could be a significant change in planning policy, which the assessment criteria must recognise.
- 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 licensed business. In other words, while every application will be carefully considered the Council will not allow the fact that the property 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 legal regulations to satisfy under the 1985 Order.

Notwithstanding the above clarifications, it must be reiterated that each application will be assessed on its own merits.

Each criterion 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.*

*We 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 our objective to promote the retail vibrancy and regeneration of Belfast we are 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 our 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.

This restrictive policy for 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, paragraph 25).

Our aim to maintain 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 located between two adjacent shop units. 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**

*We will limit the number of amusement permits we grant to one per shopping or commercial frontage and one per shopping centre. Where this number of permits has already been granted, or even 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**

Because we want to promote retailing we are 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. In its' Planning Policy Statement 5 on Retailing and Town Centres (PPS 5) it highlights the requirement to avoid a '*clustering*' of non-retail uses in Retail Cores and District Centres. Likewise, DOE (NI) Planning's Development Control Advice Note 1 on Amusement Arcades (DCAN 1) refers to the need to '*take into account the effect of larger numbers on the character of a neighbourhood*'.

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.

### **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 amusement permit policy, namely to enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage, we will not grant amusement permits at locations regarded as tourism assets and at key entrance junctions (Gateways) into Belfast City Centre.

We 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 defined as 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, we 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 (or further permits) 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 our corporate objectives is to 'support people, communities and neighbourhoods' and that this is also a key objective of this policy, we 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 non-essential, gambling-based activity in an amusement arcade, which has a limited appeal for a small number of people.

This criterion is also consistent with DOE (NI) planning policy guidance, namely DCAN 1, which considers 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 all designated shopping and commercial areas located along Belfast's Arterial Routes.

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

*We 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 amusement permit policy. This is in keeping with the prevailing gambling legislation in GB, where councils have embodied it as a core objective of their licensing policies, and in line with similar legislative proposals by the Department for Social Development (Northern Ireland) and the Department of Justice & Law Reform in the Republic of Ireland.

While we acknowledge 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, we believe that a precautionary approach is required for applications made near locations where children, young persons and vulnerable people meet. Accordingly, we will not allow amusement arcades within 200m 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 amusement permit 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 our position on applications and allow for greater coherence and consistency in decision-making.

## 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 means of 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.

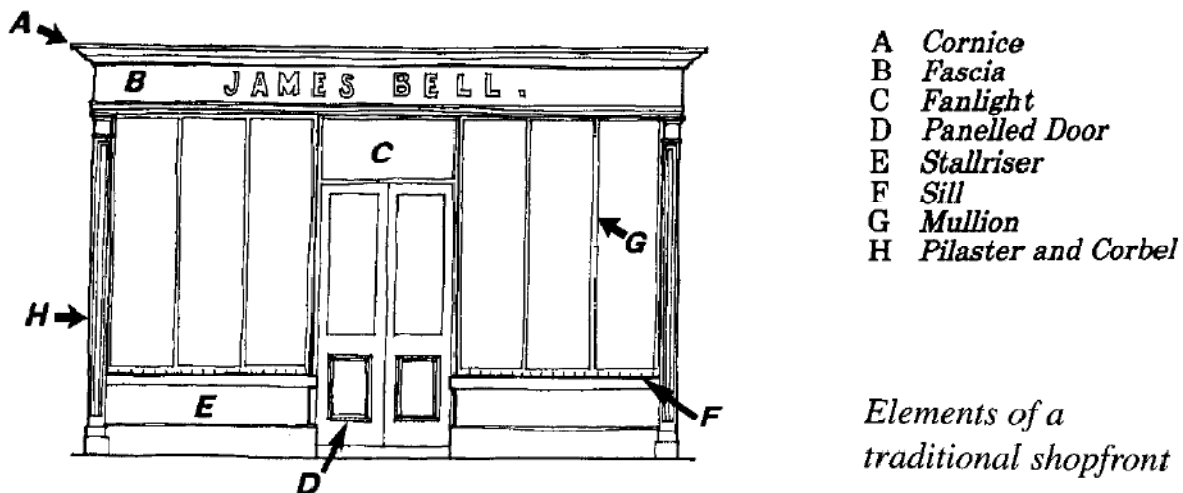
Addressing each of the above matters in turn, the following points should be noted by applicants:

- **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/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>

While the Council is legally entitled to regulate advertising and window displays on amusement arcades, this requirement has to be balanced against a wider planning desire to avoid the creation of an unsightly shop-front that could undermine the visual amenity of the streetscape. Therefore, given the limitations on advertising, some policies in Britain cite the need for gaming centres 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, the incorporation of which can help promote the integration of amusement arcades into commercial locations. It is submitted as information only and is not intended to be read as a rigid template for the frontage design of premises.

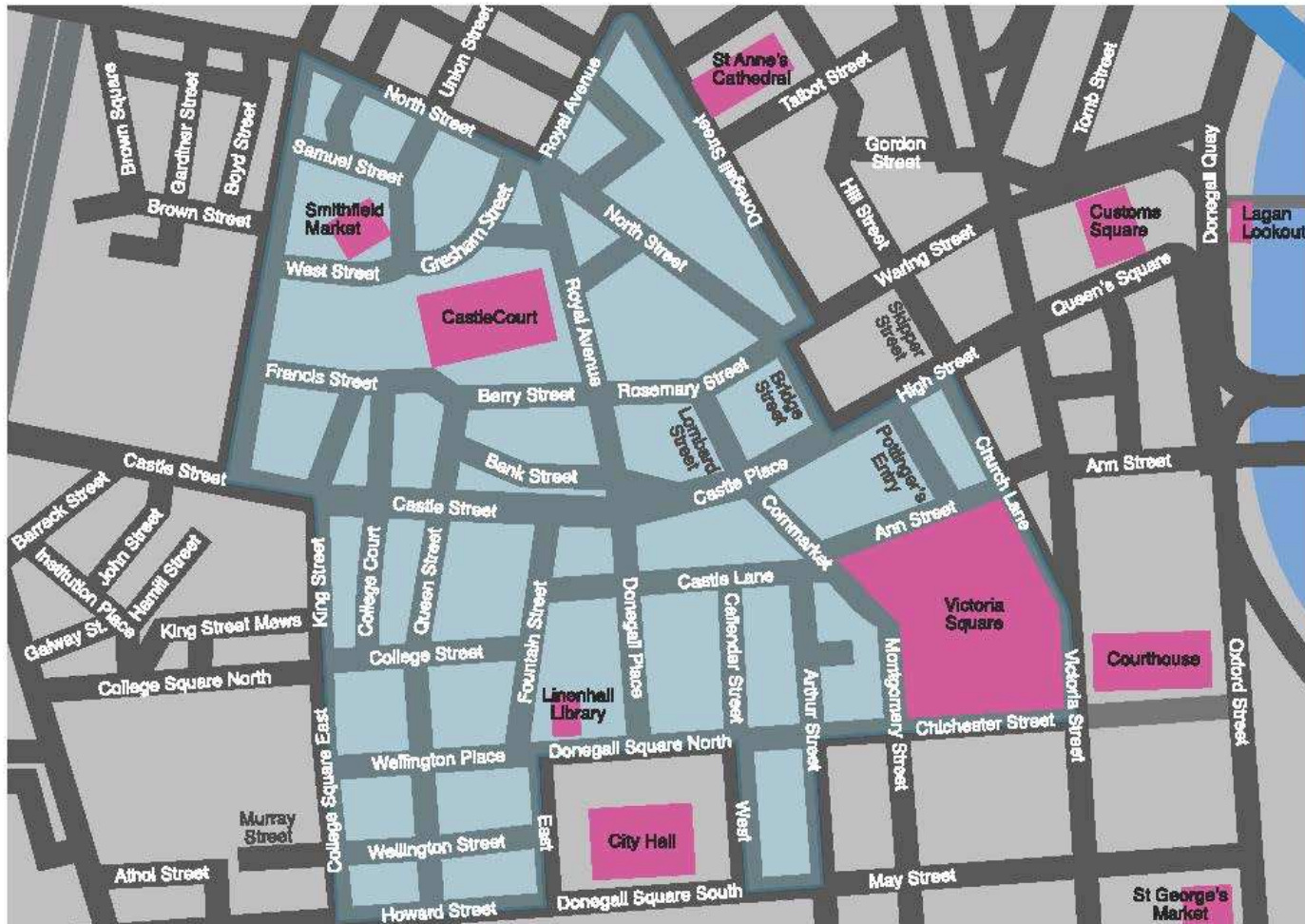
**Appendix B****Police Questionnaire****The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended)**

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:**

<b>Application for Amusement Permit (including renewal of Permits)</b>				
<b>Question</b>	<b>Y</b>	<b>N</b>	<b>Don't Know</b>	<b>If 'Y' please provide details including dates</b>
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?				
	<b>Y</b>	<b>N</b>	<b>Don't Know</b>	<b>If 'N' please give reasons</b>
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 e.g. its suitability in terms of its proximity to residential institutions that are used for bail/probation purposes				

## Appendix C: Belfast City Centre Retail Core



**Appendix D: Definition of a shop**

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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 458**

**PLANNING**

**Planning (Use Classes) Order (Northern Ireland) 2004**

*Made* - - - - - *2nd November 2004*

*Coming into operation* *29th November 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.



## Draft Amusement Permit Policy For public consultation

This draft published on 1 October 2012.

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:  
[www.belfastcity.gov.uk/buildingcontrol/amusement-permits.asp](http://www.belfastcity.gov.uk/buildingcontrol/amusement-permits.asp)

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

## **Belfast City Council Draft Amusement Permit Policy Consultation**

### **Summary of Consultation Responses**

We received 5 responses from individuals/organisations, as follows:

1. Social Policy Unit, The Police Service of Northern Ireland
2. Kevin O'Neill, Group Commander Safety Services, Northern Ireland Fire and Rescue Service
3. Stephen Hamilton, Planning Policy Division, DOE
4. Gerald Steinberg, Chairman Oasis Retail Services Ltd.
5. Colin Cavan

### **Main points made by respondents**

#### **1. Social Policy Unit, The Police Service of Northern Ireland**

Strongly agreed with overall aim of policy and strongly supported the five key objectives in properly determining applications for amusement permits

Stated that:

- It is important that the character of areas is maintained and change can impact on the policing profile of the area and on local communities.
- There is a responsibility/requirement to protect vulnerable persons/children from the dangers of gambling and a need to protect residential areas from gatherings of persons involved in gambling.
- These types of premises often open late and can usually become a focus for congregating. The placement of these types of premises in residential areas will inevitably attract both the young and vulnerable.
- Amusement premises should be located in retail areas where possible

Asked that 'the criteria re vulnerable people's residential institutions explicitly recognise children's homes and hostel accommodation used for bail/probation purposes when considering applications for amusement permits.

#### **2. Northern Ireland Fire and Rescue Service**

Neither agreed nor disagreed with overall aim of policy, the five key objectives, or the five assessment criteria to help assess the appropriateness of a location. Stated that:

- The 'draft policy has no relevance to this organisation' however,
- 'The policy should reference the stated responsibilities for compliance with the Fire & Rescue Services (Northern Ireland) Order 2006. Indeed the council should take a successful audit outcome into account when

renewing any previously granted permit and refuse renewal if non compliance issues have been detected and not addressed.'

### **3. Planning Policy Division, DOE**

Following guidance received from the Departmental (DOE) Solicitors Office in regard to the Amusement Permit Policy being considered a material consideration they commented as follows:

The draft policy may not be treated automatically as supplementary planning guidance by DOE in the determination of planning applications as it has not been prepared or approved by DOE or subjected by DOE to any public scrutiny.

However the Amusement Permit Policy can be considered **a material consideration** in the determination of planning applications.

They asked that in bullet point 2 on page 5, reference to the grant of planning permission be removed as this is assessed under different legislation and criteria than identified for the assessment of an amusement permit application. And as draft (revised) PPS5 remains subject to legal challenge and therefore the contents of the existing policy prevail. they suggested the removal of references to draft PPS5 at paragraph 5, page 6; paragraph 1, page 7; and paragraph 5 page 8.

Also suggested reconsidering references to BMAP as the Minister intends to adopt BMAP in March this year.

### **4. Gerald Steinberg, Chairman Oasis Retail Services Ltd.**

Expresses concerns that:

- Draft amusement permit document gets involved with what are fundamentally planning issues.
- Generally the draft policy document demonstrates a view that amusement premises are socially undesirable and have a negative effect on the general area in which they are located.
- The clear inference is anti-gaming and that gaming centres generally are considered to be negative in context of the 5 key objectives
- No distinction made between adult premises and non-adult premises and the different types of premises that may exist.

Asks that, as the Council is entrusted by statute with the licensing of these premises it should not be biased against them. Gives the opinion that properly presented and managed Adult Gaming Centres can be positive for all 5 key objectives.

Explains that all their company's premises in Belfast by law restrict access to persons over the age of 18 years of age, describes these premises as Adult Gaming Centres. Gives the opinion that these premises are a very different style of operation to those without age restriction.

Asks that the Council take into consideration the quality and style of the proposed premises coupled with the standards of management and age control adhered to by the applicant.

Legal requirements under the 1985 order (as amended)

**Views on the nature of the premises proposed**

**Illumination** - the requirement to keep illumination to a minimum and to ban any form of floodlighting is unduly restrictive and disregards health and safety considerations and would make the premises difficult to identify in the evening. Asks that any restrictions should be reasonable and for good reason.

**Forms of advertising and window displays** – suggests it would be reasonable and desirable to require premises to ensure that any relevant age restriction is clearly visible from the exterior of the premises, and that any signage should make clear the actual use of the premises. Suggests that there is no good reason why projecting signs are considered unsuitable for these premises and that this is a planning matter.

**Notices on premises** – Agreed with Council's views on this matter, and that the external appearance is largely a planning matter and that the shopfront should fit in with the shopping street. Concern that the inclusion of a diagram of a very traditional shopfront in the policy could wrongly give the impression that the exterior of all premises should look the same.

Under 'submissions from the general public' pointed out the 2005 Gambling Act does not apply to NI.

**Views on criteria for assessing the suitability of a location**

Disagreed with the intention to consider assessment criteria in a renewal application.

Proposed that the policy should recognise the difference between an all new application and an application where an existing permit is being surrendered and premises are being re-located e.g. at the end of a lease or redevelopment.

- Gives opinion that part of vitality of the city centre may include Amusement Gaming Centres, and they have a real appeal for visitors.
- Policy attempting to rewrite both planning and social legislation
- Disagreed with continuous shopping frontage point – saying it would seem almost impossible for any premises to obtain a permit
- Inappropriate to disregard vacant premises considerations
- Cumulative build-up issue - considers it inappropriate to have a prohibition against premises holding an existing amusement permit to extend, if there is demand. Considers this to be more of a planning issue.
- Gives opinion that properly presented and managed premises with age controls do not represent any problem with their neighbours. 'We fully respect the importance of protecting young and vulnerable people. Age control and responsible management ensure that this is not an issue.'

## 5. Colin Cavan

Strongly disagreed with the five key objectives, giving the opinion that they are written in a wholly negative perspective.

Expressed view that 'The Council and the Police have more than adequate powers under the existing planning regime and indeed the statutory framework to safeguard against the operation of improper premise and unsuitable locations.'

Expresses concerns that the draft policy proposals:

- presume criminality in a manner that is unfair and/or disproportionate
- seek to introduce restrictions that are already controlled by the fitness provisions under existing statutory regime
- are attempting to rewrite both the planning policy and the legislation and that this approach is unlawful and manifestly unfair
- are a deliberate attempt to rewrite a regional planning policy (issues of vibrancy and regeneration are obvious planning matters, to which Belfast City Council are a statutory consultee) in a manner that is deliberately designed to undermine applications
- is demonstrably written with the intention of introducing a blanket ban provision into the legislative framework – ensuring that proper applicants who are fit and proper persons to operate amusement arcades are prevented from doing so.
- Is a deliberate attempt to drive amusement arcades into back alleys and away from public scrutiny.
- Is plainly unfair to those operators of amusement arcades who can carry out business in a well organised premises within the law and with proper management controls involving the Police and/or Council (proposed policy seeks to ensure these issues are not even addressed).

### **Views on criteria for assessing the suitability of a location**

Cumulative build up of amusement arcades in a particular location – this issue is a planning matter.

Impact on the image and profile of Belfast – the draft policy has been crafted as a blanket ban in circumstances where the question of 'image and profile' are so wide ranging that every application can be refused.

Proximity to residential use, schools etc – this is a matter for the statutory regime (gives example that 1985 Order contains express provisions prohibiting the proximity of Bookmakers offices to schools and youth centres) and the Council should seek to have the legislation amended rather than producing a subservient guidance that seeks to rewrite the legislation. This is unlawful.

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**Belfast City Council**

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Licences issued under delegated authority</b>
<b>Date:</b>	20 February 2013
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

<b>1</b>	<b>Relevant Background Information</b>
1.1	Under the Scheme of Delegation the Director of Health and Environmental Services 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 entertainments licences where adverse representations have been made. For your information those applications dealt with under the Scheme are listed below.

<b>2</b>	<b>Key Issues</b>			
2.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following entertainment licences were issued since your last meeting:			
	<b>Premises and Location</b>	<b>Type of application</b>	<b>Hours licensed</b>	<b>Applicant</b>
	McHughs Bar 29-31 Queens Square	Renewal	Mon – Sat: 11.00 – 03.00 Sun: 11.00 – 01.00	Kurkova Limited
	Apartment 2-6 Donegall Square West	Renewal	Mon – Sun: 07.00 – 03.00	Kurkova Limited
	Northern Whig House 2-10 Bridge Street	Renewal	Mon – Sat: 11.30 – 03.00 Sun: 12.30 – 03.00	Botanic Inns Ltd
	Madisons 59-65 Botanic Avenue	Renewal	Mon – Thurs: 11.30 – 01.00 Fri – Sun: 11.30 – 03.00	Botanic Inns Ltd
	Tap House & Scratch 5 Lower Crescent	Renewal	Mon – Sat: 11.30 – 03.00 Sun: 12.30 – 01.00	Kurkova Limited

St Galls G.A.C 4-12 Milltown Row	Grant	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Brendan Gallagher
Crumlin Road Gaol Visitor Attraction & Conference Centre 53-55 Crumlin Road	Grant	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Belfast Tours Limited
Belfast Boat Club 12 Lockview Road	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Robert Patrick Lowry
Science Library Chlorine Gardens	Grant	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Mr J P J O' Kane
Grove Health & Wellbeing Centre 120 York Road	Variation	Mon – Sun: 08.00 – 01.00	Ms Katrina Morgan
Alley Cat 46 Church Lane	Transfer & Renewal	Mon – Sat: 11.30 – 03.00 Sun: 12.30 – 03.00	Dernafor Ltd
Suffolk Inn 12 -14 Suffolk Road	Renewal	Mon – Sat: 11.30 – 02.00 Sun: 12.30 – 00.00	Mr Tony Clarke & Mr Douglas Adams
Irish National Foresters 14- 18 Albert Street	Renewal	Mon – Sat: 08.00 – 01.00 Sun: 12.30 – 00.00	Mr Gerry Lappin
Cardinal O'Donnells GAC 43 Whiterock Road	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Sean McVeigh
American Bar 65-65a Dock Street	Renewal	Mon – Sun: 08.00 – 03.00	Vascar Inns Ltd (American Bar)
The Sunflower Bar 65 Union Street	Grant	Thurs: 11.30 – 23.00 Fri – Sat: 11.30 – 01.00	North Down Leisure Ltd
Ballynafeigh Apprentice Boys Flute Band 1-5 Walmer Street	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Stephen Biggerstaff
Whiterock Leisure Centre Whiterock Road	Renewal	Mon – Sun: 08.00 – 01.00	Ms Katrina Morgan
Turf Lodge Tenants Association 35A Norglen Gardens	Renewal	Mon – Sun: 08.00 – 01.00	Ms Mary Corr
NICSSA Sport and Leisure The Pavilion Complex Stormont Estate Upper Newtownards Road	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Ms Sharon McIlveen

2.3	Under the terms of the Street Trading Act (Northern Ireland) 2001 the following street trading licences were issued since your last meeting:				
	<b>Location</b>	<b>Type of application</b>	<b>Commodity</b>	<b>Hours licensed</b>	<b>Applicant</b>
	Turf Lodge, Ballymurphy, Whiterock, Falls and Andersonstown areas	Renewal Mobile	Ice cream, confectionery and non alcoholic beverages	Mon - Sun: 14.00 – 20.30	Mr William O'Halloran
	Designated site in Dargan Crescent 45ft from junction with Dargan Road	Grant Stationary	Hot food and non alcoholic beverages	Mon – Fri: 06.00 – 17.00	Mr Istvan Emodi
	Designated site in Donegall Quay	Grant Stationary	Hot food, ice cream and non alcoholic beverages	Mon-Sun 09.00 – 21.00	Miss Christine Stitt

<b>3</b>	<b>Resource Implications</b>
3.1	<u>Financial</u> None
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

<b>4</b>	<b>Equality Implications</b>
4.1	There are no equality and good relations issues.

<b>5</b>	<b>Recommendations</b>
5.1	To note the applications that have been issued under the Scheme of Delegation.

<b>6</b>	<b>Decision Tracking</b>
This item is for noting only.	

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**Belfast City Council**

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Application for the renewal of a 7-day annual Entertainments Licence for Teach Na Monagh</b>
<b>Date:</b>	20 February 2013
<b>Reporting Officer:</b>	Suzanne Wylie, Director of Health and Environmental Services, ext 3260
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

<b>1</b>	<b>Relevant Background Information</b>						
1.1	An application has been received from Mr Patrick Donnelly of Regent House Mews Ltd. for the renewal of a 7-day annual Entertainments Licence for Teach Na Monagh.						
	<table border="0"> <tr> <td><b>Premises and Location</b></td> <td><b>Ref. No.</b></td> <td><b>Applicant</b></td> </tr> <tr> <td>Teach Na Monagh 2A Monagh Grove Belfast, BT11 8EJ</td> <td>WK/201101409</td> <td>Regent House Mews Ltd</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Teach Na Monagh 2A Monagh Grove Belfast, BT11 8EJ	WK/201101409	Regent House Mews Ltd
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Teach Na Monagh 2A Monagh Grove Belfast, BT11 8EJ	WK/201101409	Regent House Mews Ltd					

<b>2</b>	<b>Key Issues</b>
2.1	<p><b>Offence</b></p> <p>An Officer of the Service carried out a during performance inspection of the premises on 18 May 2012 and witnessed the following breaches of licence:</p> <ol style="list-style-type: none"> <li>1. A final exit had been locked at the rear of the premises,</li> <li>2. A designated emergency escape route had been partially obstructed, and</li> <li>3. The log book to demonstrate that appropriate pre-event safety checks had been carried out was not available at the time of the inspection.</li> </ol>
2.2	The licensee, Mr Donnelly was subsequently made aware that a prosecution would be taken.
2.2	Following legal proceedings, at Belfast Magistrate's Court on 29 January 2013, Regent House Mews Ltd pleaded guilty to the offence of 18 May 2012 and was fined a total of £800 and ordered to pay court costs of £66 in relation to the 3 separate offences.
2.3	Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, in considering any application for the grant, renewal, or transfer of an Entertainments Licence, the Council must have regard to any conviction of the Applicant of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.
2.4	<p><b>Objections</b></p> <p>No objections have been received in relation to the application for the renewal of the licence as a result of the public notices of application.</p>

2.5	<p><b>PSNI</b></p> <p>The PSNI has been consulted and has no objection to the application.</p>
2.6	<p><b>Building Control Inspections</b></p> <p>Officers of the Service have carried out two during performance inspections at the premises over the last 12 months. On both occasions entertainment was taking place and officers were satisfied that the premises was operating suitably, with the exception of one minor issue, which was quickly followed up and resolved.</p>
2.7	<p>Additionally, given the need for legal action, the Service also engaged with the licensee in order to ensure that the problems discovered were addressed and offered advice and guidance on preventative measures to put in place. Two meetings have taken place with the licensee and the Service is now satisfied that they have the appropriate new measures in place.</p>
2.8	<p>The licensee has also confirmed that they have dismissed the Manager in charge on the night that the breaches were discovered and other staff has been warned that any future similar incident would result in instant dismissal.</p>
2.9	<p><b>Environmental Protection Unit</b></p> <p>The Environmental Protection Unit of the Department has confirmed that throughout the past 12 months they have received only one complaint regarding patron noise on 30 June 2012.</p>
2.10	<p><b>Licensee</b></p> <p>Representatives for the applicant, Regent House Mews Ltd, will be available to discuss any matters relating to the renewal of the licence at your meeting.</p>
2.11	<p><b>Committee Powers</b></p> <p>The Committee has a number of options open to it. Notwithstanding the opportunity to refuse the renewal on any other grounds, the Council may revoke an application for an Entertainments Licence on the grounds that the holder has been convicted of an offence under the Order. It may also decide to approve the renewal or add special conditions.</p>

<b>3</b>	<b>Resource Implications</b>
3.1	<p><u>Financial</u></p> <p>None.</p>
3.2	<p><u>Human Resources</u></p> <p>None.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>None.</p>

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	<p>There are no equality or good relations issues.</p>

<b>5</b>	<b>Recommendations</b>
5.1	<p>Based on the information presented, Committee is required to either:-</p> <ol style="list-style-type: none"> <li>1. Revoke the Entertainments Licence on the grounds that the licence holder has been convicted of offences under the Order, or</li> </ol>

5.2	<ol style="list-style-type: none"><li>2. Approve the application for renewal, or</li><li>3. Approve the application for renewal with special conditions; in addition to the standard conditions, or</li><li>4. Refuse the application for the renewal of the licence.</li></ol> <p>If the application is revoked, 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. If the applicant decides to appeal, the Licence will continue with its present conditions until the Appeal is determined.</p>
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<b>6</b>	<b>Decision Tracking</b>  If the application is granted, Mr Donnelly will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.  If you are of a mind to revoke, refuse or attach special conditions to the licence, within 7 days from the date of the Council's decision the applicant will be advised in writing of their right to appeal. The person responsible for this action is Henry Downey, Democratic Service Officer, Chief Executive's Department.
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<b>7</b>	<b>Documents Attached</b>  For your information, the following supporting documents are contained in the Appendix to this Report:- <ul style="list-style-type: none"><li>• Application form</li></ul>
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**Belfast City Council**

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Application for the renewal of a 7-Day Annual Entertainments Licence for Grove Tavern</b>
<b>Date:</b>	20 February 2013
<b>Reporting Officer:</b>	Suzanne Wylie, Director of Health and Environmental Services, ext 3260
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

<b>1</b>	<b>Relevant Background Information</b>						
1.1	An application has been received from Mrs Elizabeth Thompson for the renewal of a 7-day Annual Entertainments Licence for Grove Tavern.  <table border="0"> <tr> <td><b>Premises and Location</b></td> <td><b>Ref. No.</b></td> <td><b>Applicant</b></td> </tr> <tr> <td>Grove Tavern 203 York Road Belfast, BT15 3HB</td> <td>WK/201201243</td> <td>Mrs Elizabeth Thompson</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Grove Tavern 203 York Road Belfast, BT15 3HB	WK/201201243	Mrs Elizabeth Thompson
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Grove Tavern 203 York Road Belfast, BT15 3HB	WK/201201243	Mrs Elizabeth Thompson					

<b>2</b>	<b>Key Issues</b>
2.1	<b>Offence</b> An Officer of the Service carried out a during performance inspection of the premises on 19 May 2012 and witnessed a locked roller shutter over an emergency exit to the rear of the ground floor.
2.2	The licensee, Mrs Thompson, was subsequently made aware that a prosecution would be taken in relation to this matter.
2.3	Following legal proceedings, at Belfast Magistrate's Court on 8 January 2013, Mrs Thompson pleaded guilty to the offence on 19 May 2012 and was fined a total of £200 and ordered to pay court costs of £69.
2.4	Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, in considering any application for the grant, renewal, or transfer of an Entertainments Licence, the Council must have regard to any conviction of the Applicant of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.
2.5	<b>Objections</b> No objections have been received in relation to the application for the renewal of the licence as a result of the public notices of application.
2.6	<b>PSNI</b> The PSNI have been consulted and has no objection to the application.

<b>Building Control</b>	
2.7	Since the breaches were discovered in May 2012, inspections have been carried out on the premises by an Officer from the Service and they are satisfied that the premises is operating suitably.
2.8	Additionally, given the need for legal action the Service also engaged with the licensee in order to ensure that the problems discovered were addressed and offered advice and guidance on preventative measures to be put in place.
2.9	The licensee has also confirmed that she has since provided specific training for staff in order to improve awareness and prevent a recurrence of the problem.
<b>Environmental Protection Unit</b>	
2.10	The Environmental Protection Unit of the Department have confirmed that over the past 12 months they have received no complaints regarding noise disturbance due to noise/music breakout or from patron dispersal at the premises.
<b>Licensee</b>	
2.11	The applicant will be available to discuss any matters relating to the application at your meeting.
<b>Committee Powers</b>	
2.12	The Committee has a number of options open to it. Notwithstanding the opportunity to refuse the renewal on any other grounds, the Council may revoke an application for an Entertainments Licence on the grounds that the holder has been convicted of an offence under the Order. It may also decide to approve the renewal or add special conditions.

<b>3</b>	<b>Resource Implications</b>
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	There are no equality or good relations issues.

<b>5</b>	<b>Recommendations</b>
5.1	Based on the information presented, Committee is required to either: <ol style="list-style-type: none"> <li>1. Revoke the Entertainments Licence as the licence holder has been convicted of offences under the Order, or</li> <li>2. Approve the application for renewal, or</li> <li>3. Approve the application for renewal with special conditions; in addition to the standard conditions, or</li> <li>4. Refuse the application for the renewal of the licence.</li> </ol>

5.2	If the application is revoked, 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. If the applicant decides to appeal, the Licence will continue with its present conditions until the Appeal is determined.
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<b>Decision Tracking</b>	
<p>If the application is granted, Mrs Thompson will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If you are of a mind to refuse the application or attach special conditions to the licence within 7 days from the date of the Council's decision the applicant will be advised in writing of their right to appeal. The person responsible for this action is Henry Downey, Democratic Service Officer, Chief Executive's Department.</p>	

<b>7</b>	<b>Documents Attached</b>
<p>For your information, the following supporting documents are contained in the Appendix to this Report:-</p> <ul style="list-style-type: none"><li>• Application form</li></ul>	

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### Belfast City Council

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Application for the Variation of a 7-Day Annual Entertainments Licence for Filthy McNasty's, Dublin Road</b>
<b>Date:</b>	20 February 2013
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application has been received from Bachus Inns Limited for the variation of a 7-day Annual Entertainments Licence for Filthy McNasty's based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="0"> <thead> <tr> <th>Premises and Location</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Filthy McNasty's 41-45 Dublin Road Belfast, BT2 7HD</td> <td>WK/201201381</td> <td>Bachus Inns Limited 45 Dublin Road Belfast, BT2 7HD</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Filthy McNasty's 41-45 Dublin Road Belfast, BT2 7HD	WK/201201381	Bachus Inns Limited 45 Dublin Road Belfast, BT2 7HD
Premises and Location	Ref. No.	Applicant					
Filthy McNasty's 41-45 Dublin Road Belfast, BT2 7HD	WK/201201381	Bachus Inns Limited 45 Dublin Road Belfast, BT2 7HD					
1.2	The director of Bachus Inns Limited is Mr Paul Langsford, who is also the licensee for El Divino, Mays Meadow.						
1.3	<p>The areas currently licensed to provide entertainment are:</p> <p style="padding-left: 40px;">Filthy McNastys, ground floor, with a maximum capacity of 60 persons Gypsy Lounge, first floor, with a maximum capacity of 300 persons.</p>						
1.4	<p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <p style="padding-left: 40px;">Monday to Saturday: 11.30am to 2.00am the following morning, and Sunday: 12.30pm to 12.00 midnight</p>						
1.5	The premises operates as a public house with low key entertainment provided in the form of individual or small groups of acoustic musicians from Tuesday to Sunday inclusive on the ground floor and a nightclub on the first floor with entertainment being provided in the form of DJ's on Thursday, Friday and Saturday.						
1.6	The nature of the variation is to extend the hours during which entertainment may be provided to the first floor as follows:						

1.7	<p>Monday to Saturday: 11.30am to 3.00am the following morning, and          Sunday: 12.30pm to 3.00am the following morning</p> <p>The Committee previously agreed to grant a variation application for the premises on 17 October 2012, which was to extend the hours during which entertainment may be provided from 1.00am to 2.00am from Monday to Saturday.</p>
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<b>2</b>	<b>Key Issues</b>
2.1	<p><b>Reasons for the variation</b></p> <p>The applicant has advised that the extra hours are required to allow them to compete with the high concentration of licensed premises, which are mainly nightclubs, in the vicinity.</p> <p>2.2 The increase in hours until 3.00am will enable the premises to operate on a 'level playing field' with other premises and prevent customers leaving their premises to gain entry to other venues with 3.00am Entertainments Licences and therefore boost revenue.</p> <p>2.3 A copy of an email from the applicant outlining the reasons for making the variation application is appended to this report for your information.</p> <p><b>Objections</b></p> <p>2.4 Members will recall that, at your meeting on 23 January 2013, you were made aware of objections that were received from residents of Shaftesbury Court, 3 Marcus Ward Street regarding the application and therefore agreed to consider representation from the objectors, the applicants and/or their representatives.</p> <p>2.5 The objections related to concerns over:</p> <ul style="list-style-type: none"> <li>• Noise nuisance and anti-social behaviour from patrons at 3.00am.</li> <li>• If granted, entertainment may be provided to 3.00am 7 nights per week.</li> </ul> <p>2.6 Subsequent to your meeting last month an additional objection from a resident of Shaftesbury Court has been received outside the 28 day statutory period which relates to noise nuisance emanating from entertainment being provided in the premises.</p> <p>2.7 In order to try and reduce the potential for noise outbreak from the premises, the licensee has changed the position of speakers and proposed taking noise readings in the objector's apartment. Due to the repositioning of the speakers, the noise disturbance has been reduced and the objector has postponed the noise assessment as he feels that it may not now be required. However, the objector also advised that he would like to maintain his objection until he is satisfied that the measures implemented by the licensee will alleviate the problems.</p> <p>2.8 Copies of the letters of objection are appended to this report for your information and the applicant has also been advised of the nature of the objections.</p> <p>2.9 A deputation representing the objectors and / or their representatives has been invited to attend your meeting so that you may hear their representations relating to the application.</p> <p><b>Liaison Meeting</b></p> <p>2.10 A liaison meeting was held in Filthy McNastys on 23 January 2013 between a representative of the residents, the applicant, Officers of the Environmental Protection Unit and the Building Control Service.</p> <p>2.11 At this meeting the residents' representative stated that their main issue was regarding noise nuisance associated with patron dispersal.</p>

2.12	The licensee highlighted that the Dublin Road is a busy road not just because of the 300 patrons from the Gypsy Lounge but also due to eateries on the road staying open to around 4:00am, which attract patrons from other late night venues such as The Limelight and Stiff Kitten. The licensee proposed that patrons leaving the premises via the side door onto Ventry Street and the taxi queuing arrangement on this street should alleviate the resident's concerns.
2.13	However, no agreement was reached arising from this meeting and the objectors have maintained their objections.
	<b>PSNI</b>
2.14	The Police Service of Northern Ireland has been consulted and has no objection to the application. However, they have subsequently been made aware of the nature of the objections and asked if they have any comments to make in regard to them. Any further information the PSNI may have relating to the application will be presented at your meeting.
	<b>Building Control</b>
2.15	Since February 2012 five during performance inspections have been carried out in the premises by Officers from the Service regarding the provision of both outdoor and indoor entertainment. The inspections revealed that the conditions of licence were being adhered to and that the management of the premises was satisfactory.
	<b>Environmental Protection Unit</b>
2.16	The Environmental Protection Unit (EPU) has confirmed that, since February 2012, they have received 2 complaints from a resident of Shaftesbury Court, 3 Marcus Ward Street relating to the Outdoor Entertainments Licence at the premise. However, there have been no complaints received in relation to the indoor Entertainments Licence. Should the objector proceed with the noise assessment suggested by the licensee both EPU and Building Control will be in attendance to ensure any issues arising are satisfactorily resolved.
	<b>Licensee</b>
2.17	The applicant and/or his representative will be available to discuss any matters relating to the variation of the licence should they arise during your meeting.

<b>3</b>	<b>Resource Implications</b>
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	There are no equality or good relations issues.

<b>5</b>	<b>Recommendations</b>
5.1	Members must first decide if you wish to consider the additional objection which was received outside the 28 day period and, should you be minded to do so, agree the reasons

<p>5.2</p>	<p>for taking the objection into account.</p> <p>Taking into account the information presented and the representations received you are required to consider the application for the variation of this licence and to:-</p> <ol style="list-style-type: none"> <li>1. Approve the variation application to extend the hours during which entertainment may be provided on Monday to Sunday to 3:00am the following morning, or</li> <li>2. Approve the variation application with special conditions; in addition to the standard conditions, or</li> <li>3. Refuse the application for the variation of the licence.</li> </ol>
<p>5.3</p>	<p>If the 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. Should you refuse to vary the licence as requested, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.</p>

<p><b>6</b></p>	<p><b>Decision Tracking</b></p> <p>If the application is granted, assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the Licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>
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<p><b>7</b></p>	<p><b>Key to Abbreviations</b></p> <p>NTNT: Night Time Noise Team</p>
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<p><b>8</b></p>	<p><b>Documents Attached</b></p> <p>For your information, the following supporting documents are contained in the Appendix to this Report:-</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Location map</li> <li>• Rationale for extension of hours</li> <li>• Letters of Objection</li> <li>• PSNI response</li> </ul>
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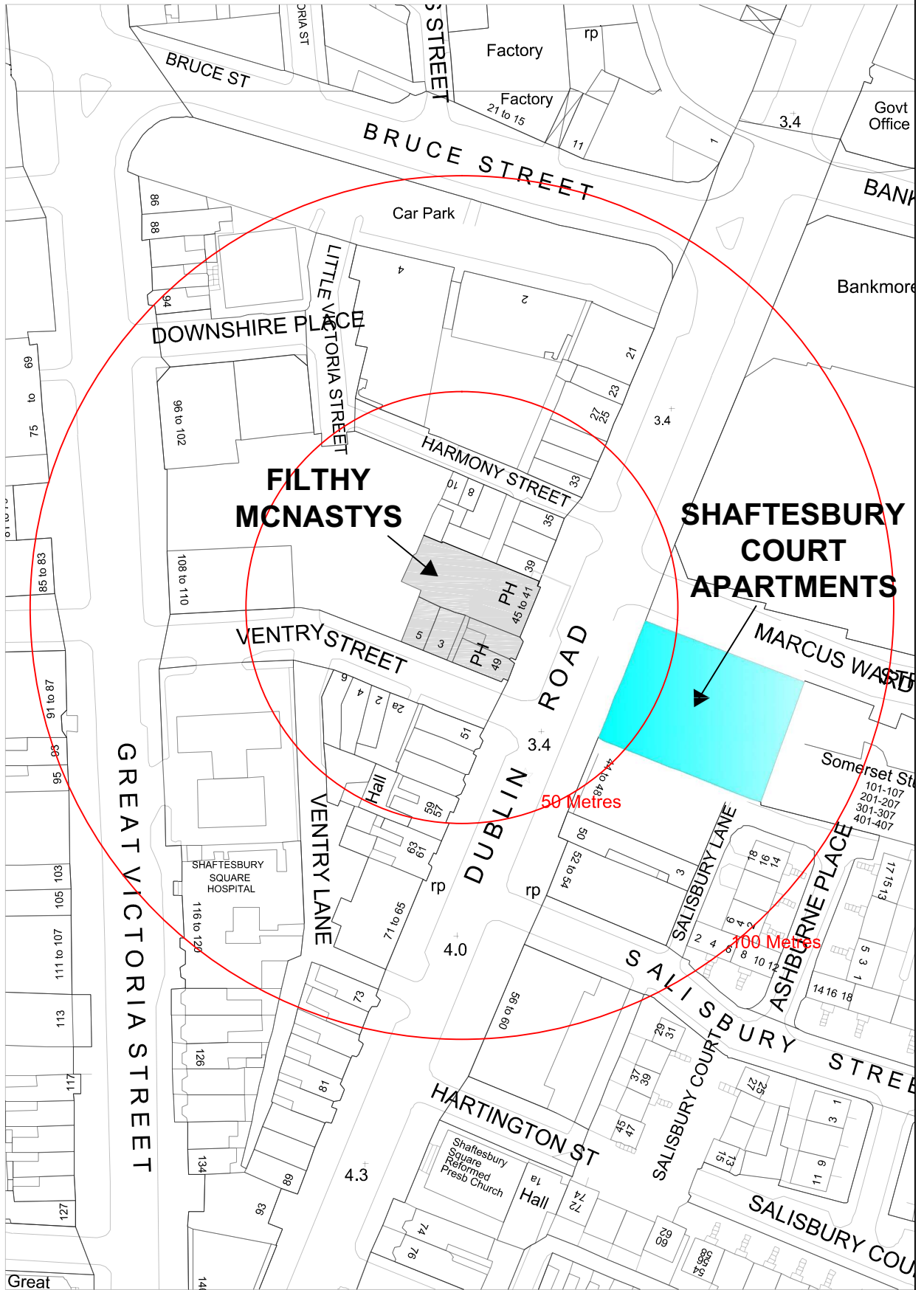
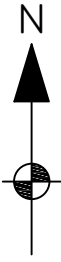
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# Building Control Service

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DRAWN BY **Nellinsp**  
DATE **12/02/2013**

**Filthy McNasty's**  
**41-45 Dublin Road**

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### Belfast City Council

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Objections to the application for the renewal of a 7-day annual Entertainments Licence for Ligoniel and District Homing Pigeon Club</b>
<b>Date:</b>	20 February 2013
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application was received on 10 May 2012 from Mr Roy Gordon for the renewal of a 7-day annual Entertainments Licence for Ligoniel and District Homing Pigeon Club based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Ligoniel &amp; District Homing Pigeon Club 46A Glenbank Place Belfast, BT14</td> <td>WK/2012/0736</td> <td>Mr Roy Gordon</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Ligoniel & District Homing Pigeon Club 46A Glenbank Place Belfast, BT14	WK/2012/0736	Mr Roy Gordon
Premises and Location	Ref. No.	Applicant					
Ligoniel & District Homing Pigeon Club 46A Glenbank Place Belfast, BT14	WK/2012/0736	Mr Roy Gordon					
1.2	<p>The area of the premises licensed to provide entertainment is the:</p> <p style="padding-left: 40px;">First Floor with a maximum capacity of 220 persons.</p>						
1.3	<p>The days and hours during which entertainment may be provided are:</p> <p style="padding-left: 40px;">Monday to Saturday: 11.30am to 23.00pm, and Sunday: 12.30pm to 22.00pm</p>						
1.4	<p>Under the terms of the Registration of Clubs Order the Club is permitted to have 85 late extension licences per year which allows them to provide entertainment to 1.00am on Monday to Saturday or midnight on Sunday on those occasions.</p>						

2	Key Issues
2.1	<p>Members will recall that, at your meeting on 21 November 2012, you agreed that a Special Meeting be held to consider an objection to the application and to hear representations from the objectors, the applicant and/or their representatives.</p>

<p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p> <p>2.6</p> <p>2.7</p> <p>2.8</p>	<p>The nature of the objection relates to:</p> <ol style="list-style-type: none"><li>1. Excessive loud music to all hours e.g. 3.00am.</li><li>2. Noise from shouting in the smoking area and using the pavilion as a drum.</li><li>3. Noise from patrons when leaving the premises and management unable to control patrons outside.</li><li>4. Use of club to view football matches and noise on Sunday afternoons.</li><li>5. The Club being unable to control patrons attending private parties.</li><li>6. Constant attacks on residents of Clanmil apartments including windows being smashed and downpipes removed.</li><li>7. Anti social incidents.</li></ol> <p>A copy of the letter of objection is appended to this report for your information.</p> <p>Members are advised that Officers from the Service offered to facilitate a meeting between the objectors and club representatives in order to try and address the objectors concerns. However, the objectors declined this offer preferring that the application be brought before Committee for consideration.</p> <p>The objectors did agree to the suggestion that Officers of the Service meet with representatives from the club and Clanmil Housing and a meeting subsequently took place on 8 August 2012 at Clanmil Housing offices.</p> <p>Following that meeting the objectors were informed in writing of the outcome and of the measures the club have put in place, which included:</p> <ul style="list-style-type: none"><li>▪ Introducing procedures to ensure the Club will be aware of who attends parties or functions at the premises.</li><li>▪ Appropriate steps being taken to minimise noise from patrons leaving the Club, such as notices advising patrons that it is a residential area, encouraging taxis drivers not to sound horns, encouraging patrons to disperse quickly and not hang about outside the Club.</li><li>▪ After football matches patrons are encouraged to leave quickly so that the premises are cleared before 7.00 pm.</li><li>▪ An assurance that they will take action against any member who does not adhere to Club rules (The Club have also offered their CCTV to be available to the Council should we wish to view it to observe any alleged breach of entertainment licensing).</li><li>▪ Confirmation that the Club have met with residents and explained that the bottles are not from the Club.</li></ul> <p>At the meeting officers from Clanmil Housing confirmed that they had no record of windows being smashed or other damage. However, they did state that residents often contact head office directly regarding repairs. They also confirmed that a request had been made by a resident for a fence under their planned maintenance programme but decided it was not required.</p> <p>The Club have indicated they are keen to maintain a harmonious relationship with all of their neighbours and offered to undertake the following actions in order to resolve the objectors concerns. They will:</p> <ul style="list-style-type: none"><li>▪ Continue to adhere to the permitted hours of their Entertainments Licence;</li><li>▪ Provide the Clanmil Scheme Co-ordinator with dates when entertainment will be provided beyond 11.00 pm;</li><li>▪ Ensure noise from patrons in the smoking area is not excessive;</li><li>▪ Provide contact details to ensure no bookings are made for those dates when the objectors' grandchildren visit.</li></ul>
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2.9	A copy of our letter to the objectors advising of these measures is appended to this report for your information.
	<b>PSNI</b>
2.10	The Police Service of Northern Ireland has been consulted about the application and the issues highlighted by the objectors and have no objection to the application.
2.11	Police have carried out informal inspections of the premises on 4 April 2012 and on the 5 December 2012 and on each occasion found no issues. They have also confirmed that there have been no incidents in the last 2 years either noted by police or reported to police. The most recent incident recorded on 1 January 2011 when a female was assaulted outside the premises by another female. The incidents before this were from 2010 and beyond.
2.12	Police have not witnessed any of the issues raised by the residents of Harmony Court in their letter of objection and state that overall the club appears to be well run and is one of the quieter club establishments in the district.
2.13	A copy of the PSNI response is appended to this report for your information.
	<b>Building Control</b>
2.14	Building Control has received two complaints regarding the premises since the renewal application was received. The complaints, received via EPU, relate to noise from entertainment music and patrons outside in the smoking shelter.
2.15	In addition to the meetings about the application, Officers from the Service have also carried out two during performance inspections at the premises since 1 June 2012. During one inspection the conditions of licence were being adhered to with the exception of the log sheet not being completed. On the other occasion no entertainment was taking place.
	<b>Environmental Protection Unit</b>
2.16	EPU received six complaints regarding noise from the premises over the past 12 months. See appendix.
2.17	On the occasions where noise was witnessed emanating from the club Officers were unable to determine if the levels observed breached Noise Act legislation as the complainants did not provide access to EPU in order for them to take noise readings.
2.18	Members are advised that on each occasion noise was witnessed, Officers from Health & Environmental Services spoke to the management of the bar.
2.19	An Officer from the Environmental Protection Unit will be available at the meeting to answer any queries Members may have in relation to noise disturbance issues.
2.20	<b>Licensee</b> The applicant and / or their representatives will be available at your meeting to answer any queries you may have in relation to the application.
2.21	<b>Objectors</b> The objectors and / or their representatives have also been invited to attend your meeting so that you may hear their representations relating to the application.

<b>3</b>	<b>Resource Implications</b>
3.1	<u>Financial</u> None.

3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	There are no equality or good relations issues.

<b>5</b>	<b>Recommendations</b>
5.1	Having regard to the information presented and the representations made in respect of the application you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. Approve the application for the renewal of the licence, or</li> <li>2. Approve the application for the renewal with special conditions, or</li> <li>3. Refuse the application for the renewal of the licence.</li> </ol>
5.2	If the 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 Recorders Court. In the case that you refuse to renew the licence and the applicant subsequently decides to appeal entertainment may be provided in accordance with the terms of the current licence until any such appeal is determined.

<b>6</b>	<b>Decision Tracking</b>
<p>If the application is granted, the applicant will be sent a copy of the Licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of the right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

<b>7</b>	<b>Documents Attached</b>
<p>For your information, the following supporting documents are contained in the Appendix to this Report:-</p> <ul style="list-style-type: none"> <li>▪ Application form</li> <li>▪ PSNI response</li> <li>▪ Letter of objection</li> <li>▪ Letter from Service to objectors</li> <li>▪ Location map</li> <li>▪ Details of complaints received by the Council's Noise Service</li> </ul>	

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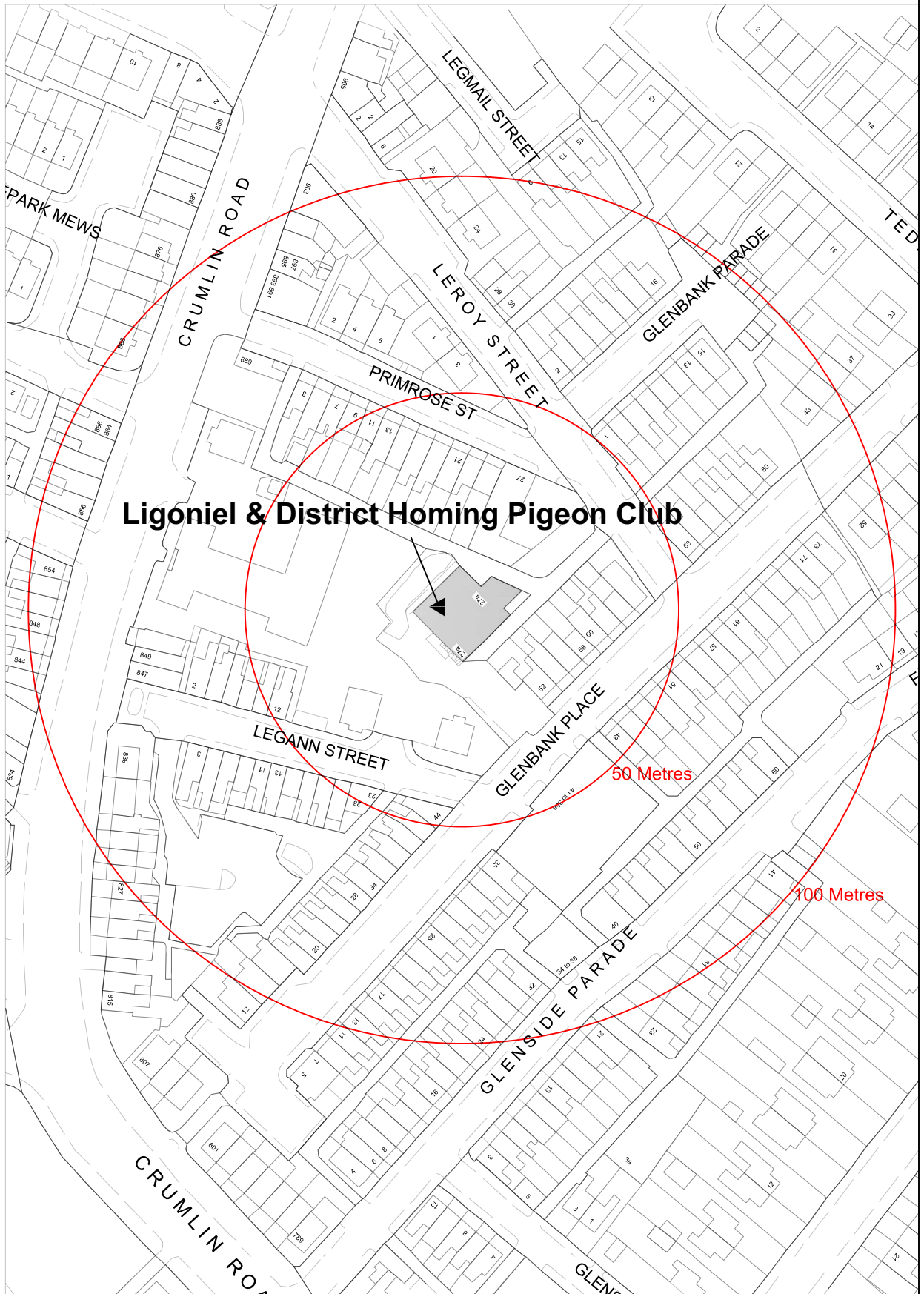


# Building Control Service

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100 METRES



**Ligoniel & District Homing Pigeon Club**

50 Metres

100 Metres

DRAWN BY **Nellinsp**  
DATE **05/02/2013**

**Ligoniel & District Homing Pigeon Club**  
**46A Glenbank Place**

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