



Subject:	Application for the Provisional Grant of an Amusement Permit at 73-75 North Street
Date:	17 August 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext: 2435
Contact Officer:	Laura Hillis, Principal Control Surveyor, Ext: 2469

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

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

1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider an application for the provisional grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order).</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Oasis Gaming 73-75 North Street Belfast, BT1 1NL</td><td>WK/202200407</td><td>Oasis Retail Services Limited Oasis House, Mallusk Drive Newtownabbey, BT36 4GX</td></tr></table>	Premises and Location	Ref. No.	Applicant	Oasis Gaming 73-75 North Street Belfast, BT1 1NL	WK/202200407	Oasis Retail Services Limited Oasis House, Mallusk Drive Newtownabbey, BT36 4GX
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1.2	<p>The Directors of Oasis Retail Services Limited are Gerard Steinberg and Martin Trimble. The applicant company has operated an existing amusement arcade at 19 North Street, for over 15 years, which is proposed to be relocated to the application premises.</p>						
1.3	<p>A location map is attached as Appendix 1.</p>						

1.4	Layout plans of the premises are attached as Appendix 2.
2.0	Recommendations
2.1	<p>In considering the application for the Provisional Grant of an Amusement Permit, the Committee shall have regard to the Order and Belfast City Council's Amusement Permit Policy, as follows:</p> <ul style="list-style-type: none"> a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, and b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on, c) In considering the fitness of a body corporate to hold an amusement permit, the Council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly, d) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and e) Representation, if any, as a result of the public notices of advertisement. <p>You are then required to make a decision based on the following options set out under the Order.</p> <p>You must refuse the application unless satisfied that:</p> <ul style="list-style-type: none"> a) The applicant is a fit person to hold an Amusement Permit; and b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit. <p>Thereafter:-</p> <ul style="list-style-type: none"> 1) You may refuse the application after hearing any representations from third parties, or 2) You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and 3) You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices. <p>2.2 Should you be minded to refuse the application for the Provisional Grant of an Amusement Permit, or grant the Permit, subject to any discretionary conditions, you are required to advise the applicant of your intention to do so and you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.</p>

3.3	If, upon hearing the applicant, you refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant may within 21 days from the date on which notice of the decision is served on him, appeal to the county court.
3.0	Background
	<p data-bbox="276 394 432 427"><u>Key Issues</u></p> <p data-bbox="165 461 1469 528">3.1 Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant of Amusement Permits.</p> <p data-bbox="276 562 831 595"><u>Provisional grant of an Amusement Permit</u></p> <p data-bbox="165 629 1469 730">3.2 There is scope within the Order to make application for the provisional grant of an amusement permit in respect of premises which are about to be, or are in the course of being, constructed, extended or altered.</p> <p data-bbox="165 763 1469 898">3.3 If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the permit, the Council may grant a provisional amusement permit. However, a provisional permit does not authorise the use of gaming machines until the permit is declared final.</p> <p data-bbox="165 931 1469 1032">3.4 The Order stipulates that the Council, upon application by the permit holder, must declare the permit final when it is satisfied that the premises have been completed in accordance with the plans deposited with the council.</p> <p data-bbox="165 1066 1469 1234">3.5 Should Members be of a mind to grant the permit provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p> <p data-bbox="276 1267 517 1301"><u>Application details</u></p> <p data-bbox="165 1335 1469 1435">3.6 The application is for a total of 85 gaming machines, which represents a decrease of 15 machines from the existing arcade's 100 machines. All are to pay out a maximum all cash prize of £25.00. Admission is restricted to persons aged 18 or over.</p> <p data-bbox="165 1469 1342 1503">3.7 The proposed opening hours of the premises, as specified on the application, are:</p> <p data-bbox="384 1536 1038 1570">Monday to Sunday: 9.00 am to 12.00 midnight</p> <p data-bbox="276 1603 608 1637"><u>Representation - NIFRS</u></p> <p data-bbox="165 1671 1469 1738">3.8 The Northern Ireland Fire and Rescue Service has been consulted and confirmed that they have no objections to the application.</p> <p data-bbox="276 1771 416 1805"><u>Applicant</u></p> <p data-bbox="165 1839 1469 1939">3.9 A representative from Oasis Retail Service Ltd and from their Planning Consultant MBA Planning will be available to discuss any matters relating to the grant of the permit at your meeting.</p> <p data-bbox="165 1973 1246 2007">3.10 The applicant's supporting statement document is attached as Appendix 3.</p>

<p>3.11</p> <p>3.12</p> <p>3.13</p> <p>3.14</p> <p>3.15</p>	<p><u>Planning matters</u></p> <p>Planning permission for change of use from retail to amusement arcade and alterations to shop front was granted on the 21 April 2022.</p> <p>It is noted that the application relates to the relocation of an existing amusement arcade at 19 North Street, the necessity for which is linked to a wider regeneration initiative for this north-eastern part of the City Centre. To this end, the grant of planning permission for the amusement arcade at No.73-75 North Street (Ref: LA04/2018/0098/F) was subject to a legal agreement whereby the existing amusement arcade at 19 North Street must close once this proposed arcade becomes operational.</p> <p>In an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.</p> <p>The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.</p> <p>A copy of the planning permission is attached as Appendix 4.</p>
<p>4.0</p>	<p><u>Key issues</u></p>
<p>4.1</p> <p>4.2</p> <p>4.3</p>	<p><u>Amusement Permit Policy</u></p> <p>The Belfast City Council Amusement Permit Policy, ratified at Council on 1 May 2013, outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.</p> <p>All applications for the provisional grant or grant of an amusement permit are assessed against the Amusement Permit Policy.</p> <p>The key objectives of this policy are to:-</p> <ol style="list-style-type: none"> 1. Promote the retail vibrancy and regeneration of Belfast; 2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. Support and safeguard residential communities in Belfast; 4. Protect children and vulnerable persons from being harmed or exploited by gambling; 5. Respect the need to prevent gambling from being a source of crime and disorder. <p>The Policy consists of two components which are considered below:</p> <p><u>1. Legal requirements under the 1985 Order</u></p> <p>Members must have regard to the legal requirements under the 1985 Order relating to:</p> <p>(a) The character, reputation and financial standing of the applicant: References and additional supporting information for those associated with the application are attached as Appendix 5 to the report for consideration.</p> <p>(b) The nature of the premises and activity proposed: To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are</p>

illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the facade integrates with adjacent frontages.

(c) Opinions of the Police: The Police Service of Northern Ireland has been consulted and confirmed that they have no objections to the application. A copy of the correspondence is attached as Appendix 6.

(d) Submissions from the general public: No objections have been received as a result of the public notices placed in the three local newspapers.

2. Assessment criteria for suitability of a location

4.4

There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below as they relate to this application.

(a) Retail vibrancy and viability of Belfast:

This application involves the relocation of an existing amusement arcade at 19 North Street to 73-75 North Street, circa 150m away. The application site is a vacant retail unit, formerly occupied by Bannon's home furnishings.

The application premises are situated within the Belfast City Centre Retail Core as defined in the draft Belfast Metropolitan Area Plan 2015 (dBMAP). It is bordered on one side by another vacant retail unit formerly occupied by the 'Money Shop' while on its other side several cycle stands are in place. The proposal is not considered to break up a continuous shopping frontage.

The Council's Permit Policy indicates that, outside of renewal applications, there is a presumption against granting permits for amusement arcades in the Retail Core of Belfast unless they are related to a major, retail-led, mixed use development or an upper storey development. It is noted that the application relates to the relocation of an existing amusement arcade at 19 North Street, the necessity for which is linked to a wider regeneration initiative for this north-eastern part of the City Centre. To this end, the grant of planning permission for the amusement arcade at No.73-75 North Street (Ref: LA04/2018/0098/F) was subject to a legal agreement whereby the existing amusement arcade at 19 North Street must close once this proposed arcade becomes operational.

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

In addition to the existing Oasis Gaming Centre arcade at 19 North Street, which this application at No.73-75 North Street seeks to replace, there is another amusement arcade located at 13 North Street (Twilight Zone). In the desire to promote retailing in the City Centre the Council is keen to avoid a clustering of such uses at a given location. Whilst the proposed arcade at 73-75 North Street may be in the general vicinity of the existing premises at 13 North Street (Twilight Zone) it is not located on the same commercial frontage as it.

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

The application premises are located next to two listed corner buildings that define the corner of lower North Street with Royal Avenue. The premises are also located in a Conservation Area. While these listed buildings contribute to the historic fabric of Belfast

	<p>City Centre they are not considered tourism assets, which could be undermined by the opening of this amusement arcade.</p> <p>(d) Proximity to residential use:</p> <p>The Permit Policy states that permits will not be granted in areas that are (i) predominantly residential in character nor will they be granted in (ii) non-residential property that is immediately adjacent to residential property.</p> <p>(i) - predominantly residential in character:</p> <p>The application premises are located at ground-floor level, along the commercial frontage of North Street. North Street is located within the Retail Core, and this area can therefore be viewed as one that is not predominantly residential in character.</p> <p>(ii) – non-residential property that is immediately adjacent to residential property:</p> <p>There are no residential properties immediately adjacent to the premises.</p> <p>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</p> <p>There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.</p> <p><u>Conclusion</u></p>
4.5	The application premises are in the Retail Core of Belfast City Centre and the Amusement Permit Policy has a presumption against permitting amusement centres to open in the Retail Core. However, the Permit Policy does state that an exception can be made for applications which are for renewals or part of a major, retail-led mixed-use development.
4.6	This application seeks to relocate an existing amusement arcade 150m closer to Royal Avenue, the relocation of which will help facilitate the assembly of property for the regeneration of the north-eastern quarter of the City Centre.
4.7	This requirement to relocate the amusement centre to facilitate regeneration, and the requirement of the planning permission to close the existing amusement arcade at 19 North Street once this proposed arcade becomes operational, are factors the Licensing Committee may wish to consider in the determination of this permit application.
4.8	A copy of the Council’s Amusement Permit Policy is attached for your information and reference as Appendix 7.
	<u>Financial & Resource Implications</u>
5.1	Administration of Amusement Permit applications is included in current budgetary estimates.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
6.1	None.

7.0

Appendices – Documents Attached

- Appendix 1 – Location Map
- Appendix 2 – Layout plan of the premises
- Appendix 3 – Supporting Statement document
- Appendix 4 - Copy of the Planning Permission
- Appendix 5– References
- Appendix 6 – PSNI Correspondence
- Appendix 7 – Belfast City Council’s Amusement Permit Policy