



Subject:	Application for the Provisional Grant of an Amusement Permit – Elite Gaming, Little Vegas (NI) Ltd, 163 Stranmillis Road
Date:	16th November, 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext: 2435
Contact Officer:	Laura Hillis, Principal Building Control Surveyor, ext: 2469

Restricted Reports	
Is this report restricted?	Yes <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"/>
Sometime 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/Summary of Main Issues			
1.1	<p>To make a final determination on 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 Elite Gaming 163 Stranmillis Road Belfast, BT9 5AJ</td><td>Ref. No. WK/202002652</td><td>Applicant Little Vegas (NI) Limited Unit 7 and 8 Ardboe Business Park Kilmascally Road, Dungannon, Co. Tyrone BT71 5BJ</td></tr></table>	Premises and Location Elite Gaming 163 Stranmillis Road Belfast, BT9 5AJ	Ref. No. WK/202002652	Applicant Little Vegas (NI) Limited Unit 7 and 8 Ardboe Business Park Kilmascally Road, Dungannon, Co. Tyrone BT71 5BJ
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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.
2.2	<p>The Committee is 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.
2.3	<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.
2.4	<p>If, upon hearing the applicant, the Committee is minded to grant the permit provisionally, it 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>
2.5	<p>Should the Committee refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant</p>

	may within 21 days from the date on which notice of the decision is served on him, appeal to the county court.
3.0	Background
3.1	The Committee, at its meeting on 17th August 2022, agreed, after hearing from the applicant and their representative, that it was minded to refuse the application for the provisional grant of an Amusement Permit for the ground and first floors of 163 Stranmillis Road.
3.2	This decision was taken on the basis that the application did not comply with the criterion of the Council's Amusement Permit Policy, in that the first floor of the proposed premises was immediately adjacent to residential use property.
3.3	A copy of the minute and the report from 17th August is attached at Appendix 1.
3.4	The Order requires that the Committee, when minded to refuse an application, must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.
3.5	The applicant subsequently confirmed their desire to avail of the opportunity to make further representation and will be in attendance at your meeting together with their representatives.
4.0	Key issues
4.1	The Directors of Little Vegas (NI) Limited are Conor Francis Forbes, Aine Forbes, Ciara Anne Forbes and Shea Michael Forbes.
4.2	A statement in support of the application has been provided for consideration and is included at Appendix 2.
4.3	The key matters outlined in the statement are that: <ul style="list-style-type: none"> • Planning permission for the amusement premises (covering all floors) was granted in February 2012. • The Health and Environmental Services Department was consulted on that 2012 permission and considered the proposal acceptable in the express context of the adjoining business and residential uses. Therefore, in the context of the original grant, and the Council's consideration of same, are identical. • The amusement permit was first granted in 2013. There have been no objections to any of the renewals of the permit since 2013. • The criterion (d) (ii) guidance cannot be considered as determining, because to do so ignores the same factual context that saw the planning permission granted in 2012. • A fresh Noise Impact Assessment ("NIA") has been carried out for the proposal, and the expert advice is that there will be no noise disturbance. • Notwithstanding the findings of the expert noise consultants, as a goodwill gesture, the applicant proposed additional noise attenuation to ensure no adverse impact. <p><u>Amusement Permit Policy</u></p>
4.4	The Belfast City Council Amusement Permit Policy, ratified at Council on 1st 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>4.5</p> <p>4.6</p> <p>4.7</p> <p>4.8</p> <p>4.9</p>	<p>As outlined at the meeting on 17th August, it was concluded that whilst the location of the permit application satisfies most criteria in the Amusement Permit Policy it is not considered to meet criteria (dii). This criterion relates to the proximity of proposed premises immediately adjacent to residential use. Having regard to the potential impact on residential amenity, the Permit Policy advises a precautionary approach by discouraging the opening of amusement arcades in such locations.</p> <p>In response to the applicant's appeal submission, the following points are made:</p> <ul style="list-style-type: none"> • Unlike planning policy, the Permit Policy places greater emphasis on the nature and operations of an amusement centre. These premises are currently open from 3.00pm until 3.00am Monday to Sunday – as indicated on the premises' front door. Members may wish to consider the practicality of restricting first floor operations to 10.00pm. • Impact on residential amenity does not solely relate to noise levels emanating from inside a property, it also relates to the level of activity generated by a business and, in particular, noise nuisance outside the premises. <p>Notwithstanding the above, the applicant has provided a noise impact assessment which outlines that noise levels are within recognised limits and should not adversely affect the amenity of residents in the adjacent property.</p> <p>The Committee is reminded that, in addition to the above legal requirements and assessment criteria, it may take into account any matter which is deemed relevant. The Committee may depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.</p> <p>A copy of the Council's Amusement Permit Policy is included in the submission from the applicant attached in Appendix 2.</p>
<p>5.1</p>	<p><u>Financial and Resource Implications</u></p> <p>Administration of Amusement Permit applications is included in current budgetary estimates.</p>
<p>6.1</p>	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None.</p>
<p>7.0</p>	<p>Documents Attached</p> <ul style="list-style-type: none"> • Appendix 1 - Minute and Committee report of 17th August 2022 • Appendix 2 - Applicant's statement in support of the application.