



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

Restricted Reports

Is this report restricted?

Yes

☐

No

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

Insert number

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the Provisional Grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order).		
	Premises and Location	Ref. No.	Applicant
	Players Amusements 22 and to the rear of 23 Shaftesbury Square Belfast, BT2 7DB	WK/2020/02428	Leanne McGivern Play SS Limited 22 Shaftesbury Square Belfast, BT2 7DB
1.2	A location map is attached as Appendix 1.		
1.3	Layout plans of the premises are included as Appendix 2.		
	Recommendations		
2.1	In considering the application for the Provisional Grant or Grant of an Amusement Permit, the Committee shall have regard to the Order and to Belfast City Council’s Amusement Permit Policy, as follows:		
	<div>a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, and</div> <div>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,</div> <div>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</div> <div>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</div> <div>e) Representation, if any, as a result of the public notices of advertisement.</div>		
2.2	You are then required to make a decision based on the following options set out under the Order.		
	You must refuse the application unless satisfied that:		
	<div>a) The applicant is a fit person to hold an Amusement Permit; and</div> <div>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.</div>		
2.3	Thereafter:-		
	1) You may refuse the application after hearing any representations from third parties, or		

<p>2.4</p> <p>2.5</p>	<p>2) You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</p> <p>3) You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</p> <p>Should you be minded to refuse the application for the Provisional Grant of an Amusement Permit, or grant the Permit, subject to any discretionary conditions, you are required to advise the applicant of your intention to do so and you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.</p> <p>If, upon hearing the applicant, you refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant may, within 21 days from the date on which notice of the decision is served on him, appeal to the county court.</p>
<p>3.0</p>	<p>Background</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.9</p>	<p>Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant and provisional grant of Amusement Permits.</p> <p>An existing amusement arcade, Players, on the ground floor of 22 Shaftesbury Square has been operated by the applicant company since 2018. The amusement permit for it was renewed on 1 June 2025.</p> <p>The applicant company now wishes to extend this existing amusement arcade into the rear ground floor of the neighbouring unit at 23 Shaftesbury Square, which has been vacant for some years, but has been recently provided with a shop frontage sign for 'Great Expectations, Regenerating Great Victoria Street'.</p> <p>As there is no mechanism within the Order to allow for a variation of an existing Amusement Permit to cater for the extension of an existing premises, an application must be made for the Grant or Provisional Grant of an Amusement Permit for the proposed extended amusement arcade.</p> <p><u>Provisional Grant of an Amusement Permit</u></p> <p>There is scope within the Order to make application for the provisional grant of an amusement permit in respect of premises which are about to be, or are in the course of being, constructed, extended or altered.</p> <p>If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the permit, the Council may grant a provisional amusement permit. However, a provisional permit does not authorise the use of gaming machines until the permit is declared final.</p> <p>The Order stipulates that the Council, upon application by the permit holder, must declare the permit final when it is satisfied that the premises have been completed in accordance with the plans deposited with the council.</p> <p>Should Members be of a mind to grant the permit provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation</p>

	<p>with the City Solicitor to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p> <p><u>Application details</u></p>
3.10	The applicant has requested to operate the proposed premises 7 days per week, Monday to Sunday, 00:00 to 24:00hrs. The applicant has confirmed that the requested hours are those the current premises operate.
3.11	The application is for a total of 69 gaming machines, giving an increase of 15 machines over the existing arcade; all of which are to pay out a maximum all cash prize of £500 in accordance with the Gaming (Variation of Monetary Limits) Order (NI) 2025 which came into force on 29 January 2025. Admission to the arcade is restricted to persons aged 18 or over.
3.12	The applicant has submitted a statement in support of the application that is included as Appendix 3.
3.13	The applicant and/or her representatives will be available at your meeting to address the Committee and to answer any questions Members may have about the application.
	<p><u>Health, Safety, Welfare and Technical requirements</u></p>
3.14	Officers from the Service have met with the applicant to discuss the application and status of the premises. The applicant has confirmed that a Building Regulations application will be made to the Service for building work that will be required to create the new arcade layout.
3.15	<u>NIFRS</u> : The Northern Ireland Fire and Rescue Service has been consulted and confirmed that they have no objections to the application.
	<p><u>Planning matters</u></p>
3.16	Planning permission for change of use of ground floor of 23 Shaftesbury Square to an amusement arcade was granted on the 20 April 2023.
3.17	The Amusement Permit application involves the extension of the existing amusement arcade into the rear half of the adjoining property, with the front portion being retained as a retail unit.
3.18	This proposal therefore constitutes a partial implementation of the related planning permission which allows for the entire unit to be converted into an amusement arcade, which the Planning Service has confirmed is lawful from a planning perspective.
3.19	In an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
3.20	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
3.21	A copy of the planning permission is attached as Appendix 4.

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

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

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

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