

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.