



Subject:	Application for the Grant of an Amusement Permit - Players, 22 Shaftesbury Square
Date:	20 th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext. 3375

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

1.0	Purpose of Report or Summary of Main Issues				
1.1	<p>To consider an application from Ms. Yuliya Rodgers of Play SS Limited, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <table><tr><td>Premises and Location</td><td>Applicant</td></tr><tr><td>Players Ground Floor 22 Shaftesbury Square BT2 7DB</td><td>Ms. Yuliya Rodgers Play SS Limited</td></tr></table>	Premises and Location	Applicant	Players Ground Floor 22 Shaftesbury Square BT2 7DB	Ms. Yuliya Rodgers Play SS Limited
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1.2	A location map is attached at Appendix 1.				
2.0	Recommendations				
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:</p> <ul style="list-style-type: none">a) the fitness of the applicant to hold a Permit having regard to their character, reputation and financial standing,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) representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, andd) representation, if any, as a result of the public notices of advertisement.				

2.2	The Committee is then required to make a decision, based on the following options set out under the Order.
2.3	<p>The Committee 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.
2.4	<p>Thereafter, the Committee:</p> <ul style="list-style-type: none"> 1. may refuse the application after hearing any representations from third parties, or 2. 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. 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.
2.5	<p>In the case of premises which have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> • no persons under 18 are admitted to the premises; and • at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition
2.6	Should you be of a mind to refuse the application for the 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. In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.
2.7	If, subsequent to hearing the applicant, you refuse the application for the grant of an Amusement Permit or decide to grant the application subject to discretionary Conditions the applicant may appeal that decision to the County Court.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant and provisional grant of Amusement Permits.
3.2	Members are advised that there is no mechanism within the Order to enable the transfer of a permit from one company to another, as is happening in this case. Therefore, an application must be made for the grant of an Amusement Permit.
3.3	An application for the grant of an Amusement Permit for this premises was previously brought to the Licensing Committee for consideration on 19 August 2015 and the Committee granted the application.

3.4	<p>Members are advised that a permit for this premises was first granted on the 1st October 1996.</p>
	<p>Applicant</p>
3.5	<p>The applicant intends to operate the premises with the same number of machines and operating hours as was previous granted at the premises. The hours are 9.00 a.m. to 3.00 a.m., Monday to Sunday.</p>
3.6	<p>The application is for a total of 30 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00, admission is restricted to persons aged 18 or over.</p>
3.7	<p>Ms Yuliya Rodgers from Play SS Limited, and her representative, will be available to discuss any matters relating to the grant of the permit at your meeting.</p>
	<p>Health, Safety, Welfare and Technical Requirements</p>
3.8	<p>Officers of the Service have met with the applicant who has confirmed that no changes are being made to the arcade that would require a Building Regulations application.</p>
	<p>Planning Matters</p>
3.9	<p>A planning application was made to the Planning Service on 30th March 1989 for a change of use from an off-licence to an Amusement Arcade on the ground floor and this was granted on 5th June 1989.</p>
3.10	<p>A copy of the Planning Permission is attached at Appendix 2.</p>
3.11	<p>Members are advised that 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>
3.12	<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>Amusement Permit Policy</p>
3.13	<p>Members are reminded that an Amusement Permit Policy was ratified at Council on 1 May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.</p>
3.14	<p>The key Policy objectives 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.
3.15	<p>The Policy consists of two components which are considered below:</p>

	<p><u>1. Legal requirements under the 1985 Order</u></p>
3.16	<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:</p>
3.17	<p>References and additional supporting information for those associated with the application are attached at Appendix 3.</p> <p>(b) the nature of the premises and activity proposed:</p>
3.18	<p>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 façade integrates with adjacent frontages.</p> <p>(c) Opinions of the Police Service</p>
3.19	<p>The PSNI has been consulted in relation to the application and has not offered any objection to the application. A copy of its correspondence is attached at Appendix 4.</p> <p>(d) Submissions from the general public:</p>
3.20	<p>No objections have been received as a result of the public notices placed in the three local newspapers.</p>
	<p><u>2. Assessment criteria for suitability of a location</u></p>
3.21	<p>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.</p> <p>(a) Retail vibrancy and viability of Belfast:</p>
3.22	<p>The application premises on the ground floor of No.22 Shaftesbury Square are located outside of the Retail Core of Belfast City Centre, but within the limit of the City Centre as defined in the Belfast Metropolitan Area Plan 2015 (BMAP). Because these locations accommodate a mix of uses the principle of opening an amusement centre here is open to consideration, subject to the satisfaction of all other relevant criteria and considerations.</p>
3.23	<p>The premises are bordered on one side by the former NI Supporters' Club and on the other side by a vacant retail unit.</p> <p><i>Application complies with this criterion.</i></p> <p>(b) Cumulative build-up of amusement arcades in a particular location:</p>
3.24	<p>The Oasis amusement centre nearby means that there are two operators in this commercial frontage. Strictly speaking, therefore, it could be argued that this application runs contrary to the cumulative build up criterion of the Permit Policy, which seeks to limit the number of amusement centres to one per commercial frontage. This criterion strives to avoid a clustering of these uses in the interest of promoting the retail vibrancy and regeneration of Belfast, which is the first key objective of the Permit Policy.</p>
3.25	<p>However, there are countervailing considerations which also have to be taken into account, notably:</p>

	<ul style="list-style-type: none"> • the premises currently operates as an amusement arcade and • there is a history of planning permissions on the site relating to its use as an amusement arcade.
3.26	<p>On balance, therefore, given its prior established use as an amusement arcade, there are exceptional circumstances surrounding this permit application which weigh against refusing the application on cumulative build up grounds.</p> <p>(c) Impact on the image and profile of Belfast:</p>
3.27	<p>The application premises are not listed as part of the built heritage of Belfast, nor are the premises or adjoining units considered to be tourism assets of the City.</p>
3.28	<p>However, the premises are located at a key entrance junction (Gateway) to the City Centre, as identified in BMAP 2015. This is one of 11 Gateway locations at the edge of Belfast City Centre which, as noted in BMAP, presents the visitor with an initial impression that can influence their overall perception of the City. BMAP also considers these locations to be suitable for landmark development capable of raising the profile of Belfast.</p>
3.29	<p>Notwithstanding the above, appreciable weight needs to be attached to the important fact that the premises currently trade as an amusement arcade and has been there for a number of years.</p> <p>(d) Proximity to residential use:</p>
3.30	<p>(i) - predominantly residential in character</p> <p>The ground floor premises form part of a commercial block located within the City Centre. The commercial frontage consists largely of licensed uses, retail units, offices and vacant commercial units. It can therefore be described as an area of mixed use and is not predominantly residential in character.</p>
3.31	<p>(ii) – non-residential property that is immediately adjacent to residential property</p> <p>There is no residential property above the premises or to its side. The residential area known as St Georges’ Gardens is located to the rear of the application property but is separated from it by a road and is not therefore immediately adjacent to it.</p> <p><i>Application complies with this criterion.</i></p> <p>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</p>
3.32	<p>There are no schools or youth centres within 200m of the application premises. Hartington Court, off the Dublin Road, houses a ‘general needs’ population but it is not considered a residential institution for vulnerable people.</p> <p><i>Application complies with this criterion.</i></p>
3.33	<p>Conclusion</p> <p>In many respects, the fact that there has been an established amusement arcade here for over twenty years constitutes exceptional circumstances for the determination of the suitability of the location for a permit. Essentially this is more akin to a transfer of a permit, however there is no mechanism under this legislation for transfer so the application must fall under the granting criteria. Accordingly, despite finely balanced issues raised by two of the policy criteria, the suitability of this location for an amusement arcade still can be determined acceptable under the Council’s Amusement Permit Policy.</p>

3.34	<p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p>
3.35	<p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Location Map</p> <p>Appendix 2 – Copy of the Planning Permission</p> <p>Appendix 3 – References and additional supporting information</p> <p>Appendix 4 – PSNI Comments</p>