



Subject:	Application for the Grant of an Amusement Permit - Players, Unit 5-6, 133-137 Lisburn Road
Date:	20th 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 checked="" type="checkbox"/>	No <input 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, 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 Unit 5-6 133-137 Lisburn Road BT9 7AG</td><td>Ms. Yuliya Rodgers Play LR Limited</td></tr></table>	Premises and Location	Applicant	Players Unit 5-6 133-137 Lisburn Road BT9 7AG	Ms. Yuliya Rodgers Play LR 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> <ol 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:-</p> <ol 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.
2.5	<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 Players was previously brought to the Licensing Committee for consideration on 19th August, 2015 and the Committee granted the application.

3.4	Members are advised that a permit was first granted for these premises on 1 st June, 2004.
	Applicant
3.5	The applicant intends to operate the premises with the same hours of 9.00 a.m. to 3.00 a.m., Monday to Sunday.
3.6	The permit is for a total of 64 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.
3.7	Ms. Yuliya Rodgers from Play LR Limited, and her representative, will be available to discuss any matters relating to the grant of the permit at your meeting.
	Health, Safety, Welfare and Technical Requirements
3.8	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.
	Planning Matters
3.9	A planning application was made to the Planning Service on 14 th June 2004 for a change of use from a Retail Unit to an Amusement Centre on the ground floor and this was granted on 15 th October 2004.
3.10	A copy of the planning permission is attached at Appendix 2.
3.11	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.
3.12	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.
	Amusement Permit Policy
3.13	Members are reminded that an Amusement Permit Policy was ratified at Council on 1 st 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.
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; and 5. respect the need to prevent gambling from being a source of crime and disorder.
3.15	The Policy consists of two components which are considered below:

	<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.133 Lisburn Road are located in a commercial block along one of the main arterial routes into Belfast City Centre. Arterial routes are the major access roads and public transport corridors into the City Centre. They typically accommodate the greatest mix of uses outside of the City Centre, including shopping, commercial, social, leisure, community and other uses. Because this commercial block comprises a mix of commercial uses at ground and first floor level the accommodation of an amusement centre here is therefore open to consideration.</p>
3.23	<p>In addition, the premises are bordered on one side by a sandwich bar and on the other by a restaurant. Accordingly, the amusement arcade does not break up an otherwise continuous shopping frontage.</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>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. There are no other amusement centres on this commercial block so the amusement arcade does not contribute to a cumulative build-up.</p> <p><i>Application complies with this criterion.</i></p>

3.25	<p>(c) Impact on the image and profile of Belfast:</p> <p>The application premises are not listed as part of the built heritage of Belfast, nor are the premises or adjoining units considered tourism assets of the City. Equally, the premises are not located at a key entrance junction (Gateway) to the City Centre, as identified in BMAP 2015. Taking these considerations on board the amusement arcade would not adversely affect the image and profile of Belfast.</p> <p><i>Application complies with this criterion.</i></p>
3.26	<p>(d) Proximity to residential use:</p> <p>(i) - predominantly residential in character</p> <p>With mainly office use located above the premises and mainly eateries on the ground floor this entire block is predominantly commercial in character.</p>
3.27	<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 nearest residential property to the application site, at No.56 Mount Prospect Park, is located to its rear and is not immediately adjacent to it.</p> <p><i>Application complies with this criterion.</i></p>
3.28	<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><i>Application complies with this criterion.</i></p>
3.29	<p>Conclusion</p> <p>This premises has operated as an amusement arcade for approximately 14 years and 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. The location of the premises for an amusement centre however meets the criterion under the Council's Amusement Permit Policy.</p>
3.30	<p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications associated with this report.</p>
3.31	<p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Copy of the Planning Permission • Appendix 3 – References and additional supporting information • Appendix 4 – PSNI Comments