



Subject:	Review of Amusement Permit policy
Date:	22 January 2020
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

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

1.0	Purpose of Report or Summary of Main Issues
1.1	This report seeks Committee endorsement to commence a process to review and update the Amusement Permit policy which was ratified at Council on 1 May 2013.
1.2	When formulated it was anticipated that the policy would be reviewed every three years to remain abreast of the dynamics of the gambling industry and any changes in legislation.
2.0	Recommendations
2.1	Members are asked to agree that Officers commence a process to review the current Amusement Permit policy and note that a future report will be brought to Committee with a revised draft Policy for consideration.
3.0	Main report
	<u>Background</u>
3.1	The overall aim of the amusement permit policy is to serve as a guide for Elected Members, Council officers, applicants and the wider public on applications for amusement permits under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 in the Belfast City Council area.
3.2	By outlining those matters which may be taken into account in determining an application for an amusement permit this policy was developed to introduce greater clarity, transparency and consistency to the decision making process.
3.3	

	<p>The need for the policy was highlighted by previous Court decisions on amusement permit applications.</p>
3.4	<p><u>Amusement Permit Policy</u></p> <p>The Policy consists of two components:</p> <ol style="list-style-type: none"> 1. Legal requirements under the 1985 Order, and 2. Assessment criteria for suitability of a location.
3.5	<p>There are five interrelated criteria set out in the Policy that should typically be considered when assessing the suitability of a location for an amusement arcade:</p> <ol style="list-style-type: none"> (a) Retail vibrancy and regeneration of Belfast: (b) Cumulative build-up of amusement arcades in a particular location: (c) Impact on the image and profile of Belfast: (d) Proximity to residential use: (e) Proximity to schools, youth centres, and residential institutions for vulnerable people:
3.6	<p><u>Judicial review proceedings</u></p> <p>Members will recall, at your meeting of 13 November 2019, reconsidering an application from Hazeldene Enterprises Limited, for the grant of an Amusement Permit which was originally granted at your meeting on 6 October 2014.</p>
3.7	<p>Subsequently, Oasis Retail Services Limited, an objector to the grant of the amusement permit, sought leave to apply for Judicial Review in respect of the decision of the Council to grant the permit. The Court of Appeal decision, delivered on 24 September 2018, resulted in the quashing of the decision of the Council to grant a permit to Hazeldene Enterprises Limited.</p>
3.8	<p>One of the key findings of the Court of Appeal related to the consideration of cumulative impact on the grant of requested permits on the character of the area.</p>
3.9	<p>Members are advised that review of the Policy was delayed pending the outcome of the judicial review proceedings and that these must now be taken into account in any revised policy.</p>
3.10	<p><u>Review process</u></p> <p>When the initial policy was created a consultant with experience of policy formulation and planning matters was utilised and an exercise will be undertaken to procure a consultant to assist with the re-drafting of the policy.</p>
3.11	<p>This process will be undertaken in close liaison with Legal Services to enable a revised policy to be drafted for consideration by Members.</p>
3.12	<p>Following agreement on the revised policy a formal consultation will then be undertaken, in line with Council guidelines, and the findings will then inform a final revised policy for approval by Council.</p>
3.13	<p><u>Financial & Resource Implications</u></p> <p>The financial and resource implications associated with this report will be catered for within current Service budget.</p>

3.14	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>All equality and good relations issues will be taken into consideration in formulating a revised policy.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • None