

AMUSEMENT PERMIT POLICY

DERRY CITY AND STRABANE DISTRICT COUNCIL

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1.0 Introduction

Derry City and Strabane District Council area comprises the second largest city in Northern Ireland / fourth largest city on the Island of Ireland. The area is the 'Capital of the North West' and is at the core of the only functional economic city region of its scale which straddles the border into the Republic of Ireland (ROI). There are a number of large amusement arcades within Derry City and Strabane District Council area as well a number of large ones that straddles the main arterial roads of the ROI roads leading into the Council district.

This is DCSDC first 'Amusement Permit Policy', the policy will be reviewed 3 years after the date it has been approved by Council. The policy has been written with reference to current guidance documents and legislation. If there are any changes to such guidance documents and legislation after the date that the policy has been approved then those updated documents will be applicable.

To operate an amusement arcade within the Derry City and Strabane District Council a person must make an application to Derry City Council and Strabane District Council ('the Council') for an amusement permit.

Planning permission must be approved for the premises to be used as an amusement arcade before applying for an amusement permit, proof of planning permission must be submitted with the application except in the case of renewing amusement permits.

The Council is directly empowered to grant or refuse amusement permits in the Council jurisdiction under the 'Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985' as amended, ('the 1985 Order').

This means that the Council issue amusement permits to premises, typically described as amusement arcades, which have 'amusement with prizes machines'. These types of machines are normally known as gaming machines.

1.02 What are gaming machines and amusement arcades?

A gaming machine (or amusement with prizes machine) means any machine which is used for playing a 'game of chance', (*a game in which chance rather than skill determines the outcome*) by the insertion of money into it, with the aim of winning money. There are lower prize gaming machines and higher prize gaming machines. Use of the higher prize gaming machines is restricted to adults only (i.e. persons aged 18 or over).

In Council jurisdiction admittance to amusement arcades is usually restricted to adults because many premises only operate higher prize machines. An amusement arcade is defined as premises which are being used wholly or mainly for amusement by gaming machines.

The Council will normally deem this to be the case when there is at least one more gaming machine than the total number of all other types of machines or otherwise

when it can be reasonably viewed that a substantial proportion of the business relates to the provision of gaming machines (more than de minimus).

Please note that Registered Clubs, bookmaking offices, commercial bingo clubs, public houses and licensed hotels are not required to have an amusement permit in order to have gaming machines, though other aspects of gambling legislation in Northern Ireland may apply to gaming machines in these establishments.

1.03 Aim and scope of policy –Why does the Council need an amusement permit policy?

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 in the Derry and Strabane District Council area. The need for this policy was highlighted by a recent Court decision on amusement permit applications.

This policy has been developed to introduce greater clarity, transparency and consistency to the decision making process for assessing applications for Amusement Permits. By outlining those matters and criteria which Council may take into account in determining an application for an amusement permit.

This demonstrated the need for the Council to make its position clear on the issues to be considered when deciding to grant or refuse an ‘Amusement Permit’ application under the 1985 Order.

Some of the issues, such as

- Location
 - Proximity to residential use
 - Proximity to schools, youth centres, residential institutions for vulnerable people.
- Structure (in keeping with Planning Policy Statements)
- Character associated with the built or natural environment that is of intrinsic interest to the tourism attraction of the area.
- impact on
 - neighbours and the surrounding area overlap with planning considerations.
 - on image and profile of Derry City and Strabane District Council

While the Council should be slow to differ from the views of the Planning Committee, it is entitled to do so. In coming to its own decision it is imperative to be aware that the Council is not bound to accept in its entirety the decision of the ‘Planning Committee or under the Scheme of Delegation’.

This policy is outlined to be generally consistent with regional planning guidance on amusement arcades and, at the same time, it is tailored to take into account local considerations particular to Derry and Strabane, including the location of existing amusement arcades in the City and Town.

Whilst this policy attempts to introduce greater certainty into decision-making on amusement permit applications, its contents do not prejudice the statutory power of the Council, under Article 111 ‘*Grant of Amusement Permits*’ of The Betting, Gaming, Lotteries and Amusements (NI) Order 1985, to consider any ground it deems reasonable to refuse to grant an amusement permit.

The Council will therefore take into account a change in circumstances that may influence the ‘Amusement Permit Policy’ and any criteria set out within it.

Although the policy is primarily intended to serve as a guide for assessing applications for amusement permits by the Council’s Health and Community Committee, given its interrelationship with planning considerations the policy shall be a material consideration to related applications for planning permission.

This is because applicants are usually required (except in the case of renewing amusement permits) to first obtain planning permission for the proposed amusement arcade before applying for an amusement permit. This policy shall be read in conjunction with DCAN 1.

Council makes the final decision on all planning applications, including those for amusement arcades.

This policy outlines criteria that the Council will typically consider when assessing the suitability of a location for a proposed amusement arcade. As these criteria largely overlap with planning considerations, it is intended to reduce the likelihood of conflicts arising on issues that are common to both planning applications and respective permit applications.

Notwithstanding those considerations or criteria expressly outlined in this policy, the Council will take into account any matter which it deems relevant. The Council may also depart from the policy where it appears appropriate or necessary and the exceptional rationale for deviation is clearly presented. Although it is envisaged that this shall only happen in exceptional circumstances.

In exercising its duties and responsibilities under this policy, the Council as always will continue to be, mindful of its obligations under the Human Rights Act 1998. The Council will endeavour to ensure that all action taken on the advice of this policy is lawful, reasonable and proportionate. It is anticipated that the policy will be reviewed every 3 years so that it can remain abreast of the dynamics of the gambling industry and any changes in legislation.

1.04 Objectives of this Policy

The key objectives of this policy can be largely linked to the Council’s overarching strategic goal of improving the quality of life for present and future generations in the Derry City and Strabane District Council area by making it a better place in which to live, work, visit and invest. Against this background and in light of the research carried out, the interrelated key policy objectives are to:

- Promote the retail vibrancy and regeneration of City and Town Centres;

- Enhance the tourism and cultural appeal of Derry City and Strabane by protecting the image and built heritage;
- Support and safeguard residential communities in the Council area;
- Protect children and vulnerable persons from being harmed or exploited by gambling;
- Respect the need to prevent gambling from being a source of crime and disorder.

The above policy objectives are in line with Council's key strategic objectives to support the local economy, the development and promotion of tourism, the 'support people, communities and neighbourhoods' aspect of Council's 'Strategic Growth Plan (Community Plan)', the core objectives of the Gambling Act 2005, which at present only applies to Great Britain but is currently being considered by the Department for Communities Government Department, Stormont in the context of the review of gambling legislation in Northern Ireland.

2.0 Assessing amusement permit applications

To meet these policy objectives when determining amusement permit applications, the Council will assess each application on its own individual merits and will:

- have regard to the requirements set out in the 1985 Order;
- assess the suitability of the location for a proposed amusement arcade, which will typically be based on a number of assessment criteria set out in this policy.

These reflect, inter alia, the key objectives of the policy and in light of all research findings, together with a comparative analysis with Great Britain (GB) and the Republic of Ireland (ROI).

The Council will consider both these components of policy when deciding on new amusement permit applications. When determining an application for renewal of an amusement permit, the primary focus will be on the requirements set out in the 1985 Order, and this policy will only be applied in extreme exceptional circumstances.

Also, prior to granting or renewing any amusement permit the Council will have regard to comments received from any relevant statutory agency in relation to fire safety or other safety matters that may compromise Council's policy.

2.01 Legal requirements under The Betting, Gaming, Lotteries and Amusements (NI) Order 1985

In accordance with the 1985 Order the Council will have regard to the following statutory requirements:

- (i). article '109' The character, reputation and financial standing of the applicant;
- (ii). article '110' The nature of the premises and activity proposed;
- (iii). Opinion of the Police; and

(iv). Submissions from the general public.

Each of these requirements is outlined below.

2.02 (i). The character, reputation and financial standing of the applicant

In considering the fitness of an applicant to hold an amusement permit, the Council will take into account:

- the character and reputation of the applicant, as corroborated by references from impartial and reliable sources, including the Police; and
- the financial standing of the applicant, as verified by financial references.

2.02(a) Justification and clarification

Taking on board the prevailing statutory desire by government to make gambling fair and crime free, this policy aims to ensure that players are protected from illegal or unscrupulous operators. Under the 1985 Order, the Council is obliged to consider the fitness of a person who is, or proposes to be, the occupier of the premises. Accordingly, the Council will consider the character, reputation and financial standing of the applicant and any person appointed to manage the business.

The applicant can be an individual, a company or a partnership. In the case of the latter two, the fitness of the corporate organisation is relevant, together with the character of the directors and people with executive control. As well as taking into account the considered views of the Police (see (iii) below), the Council will require the reputation of the applicant to be endorsed by references from sources such as bank managers, Chartered Accountants and any other professional person that can provide an affidavit on the reputation of the applicant.

In order to testify to their financial standing, applicants will be asked to provide financial references.

2.03 (ii). The nature of the premises proposed

The Council will aim to ensure that the nature of the premises proposed is appropriate for the location in question. This will involve careful consideration of the following matters:

- how premises are illuminated;
- the form of advertising and window display; and
- how notices are displayed on the premises.
- Any external advertisement must have consent from the planning office.

Guidance in respect of the above considerations can be found in Appendix A to this policy.

2.03(a) Justification and clarification

As far as amusement arcades and gaming machines are concerned, legislation exists to regulate and control this form of gambling rather than to promote. Consequently Council is keen to ensure that the premises do not openly encourage gambling.

2.04 (iii). Opinion of the Police

The Council will attach significant weight to the opinion of the Police when assessing an application, in relation to their views on the

- character and reputation of the applicant, as well as
- the location of the premises. Justification and clarification

Under the 1985 Order, the Council must consult with the Police on amusement permit applications. It is important to ascertain the views of the Police, not only in respect of the character of the applicant but also the suitability of the area for an amusement arcade.

For example, it may be relevant to the assessment of the application if the Police indicate that the vicinity of the proposed amusement centre is associated with abnormal levels of antisocial behaviour, or has been the subject of police intervention in the past.

2.04 (a) Justification and clarification

To this end, the Council will request that the Police complete a short questionnaire on the applicant and premises, a sample copy of which is contained in Appendix B.

2.05 (iv). Submissions from the general public

The Council will take into account the number and nature of submissions received from the general public when determining an amusement permit application, particularly those from persons or representatives of persons in neighbouring properties.

2.05(a) Justification and clarification

Within seven days of making an amusement permit application the applicant must place amusement permit advertisements in two local newspapers. This public advertisement allows objections and submissions to be made by any person. All applications for amusement permits are referred to the Council's Health and Community Committee who will take into account all submissions, whether they are made in opposition to an amusement permit, in support of a permit, or submitted as observations only.

Keeping in compliance with the key objectives of this policy, particularly those relating to support for retailing and residential communities, the Council will

carefully consider submissions received from neighbouring properties and will consider them whether they are made by residents, businesses or any other interested party.

3.0 Council's criteria for assessing the suitability of a location

The Council will objectively assess each application on its own merits.

Five criteria will typically be used when assessing the suitability of a location for a proposed amusement arcade:

- Impact on the retail vitality and viability of Derry City and Strabane Town;
- Impact on the image and profile of Council District;
- Cumulative build-up of amusement arcades in a particular location;
- Proximity to residential use; and
- Proximity to schools, youth centres and residential institutions for vulnerable people.

3.01 Clarifications:

Before Council look at these in detail, we must first make a number of clarifications on the use of these assessment criteria:

- While it is acknowledged that the existing use of the proposed premises will be a material consideration in the assessment of an amusement permit application, Council may not accord substantial weight to the fact that the is vacant or used for non-shopping purposes property (unless it was previously an amusement arcade), for example, a fast-food outlet or other licensed business.

In other words, while every application will be carefully considered on it's own individual merit, Council will not allow the non-shopping use of a property or the fact that it is vacant to overshadow all other considerations to the detriment of reaching a balanced decision.

- An amusement arcade accommodates a particular type of gambling activity and WILL NOT be generalised as another form of non-shopping use or licensed activity.

It is a sui generis development (of its own kind) that has its own matters to address under the 1985 Order.

3.02 Each of the 5 criteria is now explained.

3.03 Impact on the retail vitality and viability of Derry City and Strabane Town

While an application for an amusement permit in Derry City or Strabane Town Centre will be assessed on its merits, it will only be granted in the retail core of City or Town centre if it is (Appendix G):

- A renewal of an existing amusement permit; or
- Part of a major, retail-led mixed use development; or
- An upper storey development.

In addition, the Council WILL NOT grant an amusement permit in any part of the Council area where an amusement arcade would break up an otherwise continuous shopping frontage or any contravention of the planning legislation

3.03 (a) Justification and clarification

In line with the objective to promote the retail vibrancy and regeneration of Derry City and Strabane Town centres the Council is keen to promote pedestrian flows in busiest shopping streets by supporting retailers and retail development.

In plain contrast to shop units, amusement arcades are commercial leisure venues which do not have a general appeal for visitors and only have a small customer base. 6% per cent of people surveyed in NI compared to 14% in GB in 2010 stated that they used fruit or slot machines (section 2.2 page 11 N.I. Gambling Prevalence Survey 2010). Those who had taken part in gambling activities were asked to identify the venue or method of their participation, Fruit and Slot Machines were mostly played in Social Clubs/Pubs or Amusement Arcades (27% and 15% respectively). Viewed in this context, the opening of amusement arcades in the main retail area of Derry or Strabane may be considered incompatible with the Strategic Planning Policy Statement for N.I. (SPPS) aim through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions consistent with the Regional Development Strategy 2035 (RDS) for Derry City and Strabane Town Centre. The extent of the retail core within these areas is shown in Appendix G. Must comply with the current DAP 2011/SAP 1986-2001.

Encouraging retailing in the retail core is in accordance with retail planning policy outlined in the DOE's Strategic Planning Policy Statement (SPPS) September 2015 on Town Centres & Retailing (Section 6.267 -6.292). The Council's aim of maintaining a continuous shopping frontage in all parts of the City or Town centre is in keeping with current planning permission and the guidance document DOE (NI) Planning's 'Development Control Advice Note 1' (DCAN 1).

An application for an amusement arcade is deemed to break up a continuous shopping frontage where it proposes to replace a shop unit that is bordered by an adjacent shop unit either side of it. This may also apply to

situations when one or more of the shops are vacant at the time. For the purposes of this policy a shop unit can be defined as one belonging to, *Class A1 of the Planning (Use Classes) Order (Northern Ireland). 2015*

3.04 Cumulative build-up of amusement arcades in a particular location

The Council will limit the number of amusement permits it grants to one per shopping or commercial frontage and one per shopping centre. Where this number of permits has already been granted, or exceeded, NO MORE amusement permits will be considered under this criterion, 2 or more amusement arcades in adjacent ground-floor units WILL NOT be allowed (except for those already existing), including the ground-floor extension or merger of an existing establishment into an adjoining unit.

The Council will consider the location of other amusement premises within the immediate vicinity.

3.04 (a) Justification and clarification

As the Council want to promote retailing, it is anxious to avoid a cumulative build-up or clustering of amusement arcades in a particular location. This approach is also supported by the research finding that there are twice as many machines per person in NI than in GB as a whole. Unlike betting offices and bingo clubs, where licensing is a matter for the courts in Northern Ireland, there is no legal requirement by the applicant to demonstrate that a demand exists for an amusement arcade in a particular area. However, DOE (NI) Planning does consider the cumulative impact of these forms of developments. (DCAN 1) refers to the need to 'take into account the effect of larger numbers on the character of a neighbourhood'. Likewise Derry Area Plan 2011 (DAP) section 15.00 Central Area sets out the strategy for the heart of the city. Proposals which prejudice the vitality and viability of the Commercial Core either directly or indirectly will not be acceptable. Primary Retail Frontages 15.4 highlights Along these streets with Primary Retail Frontage:- Strand Road, Waterloo Place, William Street, Waterloo Street, Shipquay Street, Butcher Street, The Diamond, Ferryquay Street, Bishop Street within, (The Diamond to London Street/Society Street) Foyle Street and Carisle Road frontage changes to non-retail commercial will be discouraged where there would be significant loss of retail floor space, a 'clustering' of non-retail uses is created, the area overall is tending to be dominated by non-retail uses, a term which is inclusive of amusement arcades, in Retail Cores and District Centres. For the purposes of this amusement permit policy, a

- Shopping or commercial frontage can be defined as a group of mainly ground-floor businesses that shares a continuous frontage and which is usually separated from other frontages by a different road or street name.
- A shopping centre refers to a group of retail and non-retail uses that is usually anchored by a large store.

Beyond City and Town Centres, shopping centres are referred to as District Centres and are located off Through Routes, which are the major transport thoroughfares into the City Centre.

3.05 Impact on the image and profile of Derry and Strabane

Amusement permits will not be granted at locations that are regarded as tourism assets, (SPPS Sept 2015 section 6.254) and in Derry City and Strabane Town Centre that may be considered 'Protected Routes' under the (SPPS) Sept 2015 document section 6.301 Transportation.

3.05 (a) Justification and clarification

In keeping with one of the key objectives of this policy, namely to enhance the tourism and cultural appeal of Derry City and Strabane by protecting their image and built heritage, the Council will not grant amusement permits at locations regarded as tourism assets and at key entrance junctions (Gateways) into Derry City or Strabane Town Centre. The Council will protect those areas, buildings and their settings (if appropriate) that are inherently linked to the image and tourist profile of the core centre in Derry and Strabane.

As far as this policy is concerned, the setting of a tourist asset relates to the neighbouring property either side of its main entrance, whether or not this neighbouring property is adjacent to it, or separated from it by a road or street. A tourism asset is any feature associated with the built or natural environment that is of intrinsic interest to tourists. Most of the tourism assets in;

Derry City Centre has a complete circuit of historical city walls of any settlement in Ireland. The Walled City is a special cultural and historic city quarter, featuring many historic buildings and supported by museums, arts venues and speciality retail and hospitality premises. The City hosts two cathedrals, one of which is significant as it was the first cathedral to be built in the British Isles after the Reformation. It's also the city's oldest surviving building.

Strabane is a thriving cross border market town with large numbers of neighbours from Donegal visiting and shopping in the town on a regular basis. These often feature in the historical database of the Northern Ireland Environment Agency and as tourist attractions in Visitor Guides for Derry and Strabane. If you need clarification on what is considered a tourist asset you can contact Council's tourism section.

Under this criterion, the Council may also set out to protect main access locations at the edge of Derry City Centre and Strabane Town Centre which are considered suitable for landmark development capable of raising the profile of the District. These access locations are key entrance points into the City and Town Centres, where visitors form their first overall impression of the city or town centre. Viewed in this context, it is considered that granting amusement permits for new premises at ground-floor level is inappropriate for these locations.

3.06 Proximity to residential use.

Amusement permits will not be granted in areas that are predominantly residential in character, including local centres located within these areas. They will not be granted in non-residential property that is immediately adjacent to residential property.

3.06 (a) Justification and clarification

Council's corporate objectives is to 'support people, communities and neighbourhoods' and that this is also a key objective of this policy.

Council therefore will seek to prevent amusement arcades opening in predominantly residential areas. Residential areas commonly have a local centre--'Small groupings of shops, typically comprising a general grocery store, a sub-post office, occasionally a pharmacy and other small shops of a local nature.' Clearly, a local centre in a predominantly residential area should provide local shops and services that cater for the daily needs of the wider community, as opposed to accommodating an amusement arcade which provides a non-essential, gambling-based leisure activity for a small number of people.

This criterion is also consistent with planning policy guidance. DCAN 1, states that amusement arcades 'are not normally acceptable near residential property'. Areas that are predominantly residential in character obviously exclude extensive industrial or business areas which are clearly distinct from housing.

3.07 Proximity to schools, youth centres and residential institutions for vulnerable people.

The Council will not grant amusement permits in locations near schools, youth centres and residential institutions for vulnerable people, including children's care homes and hostels for the homeless.

3.07 (a) Justification and clarification

The protection of children and vulnerable people from gambling is a key objective of this policy. Vulnerable people are those persons who gamble more than they want to, persons who gamble beyond their means and persons who may not be able to make informed or balanced decisions about gambling perhaps due to a mental impairment, alcohol or drugs. This component of the policy is in keeping with the prevailing gambling legislation in Great Britain, where Councils have embodied it as a core objective of their licensing policies, and is in line with similar legislative proposals being considered by the Department for Communities (Northern Ireland) and the Department of Justice & Law Reform in the Republic of Ireland. While the Council acknowledges that amusement arcades restrict admittance to underage persons and that the 1985 Order does not specifically refer to the need to consider the effects on persons attending schools or youth clubs, Council believes that a preventive approach is

required for applications made near locations where children, young persons and vulnerable people congregate.

This policy will help assist Council decision making by adopting a resolution that Council will not permit amusement arcades within at least 200 metres (easy walking distance) of a school, youth centre or a residential institution. This distance has regard to regional planning policy guidance, which recognises it as 'a location within easy walking distance'.

4.0 Conclusion

Overall, this policy is intended to strike a balance between safeguarding the concerns of the wider public on the one hand whilst respecting an applicant's desire to obtain an amusement permit on the other.

From an operational perspective, it is hoped that the policy will help to clarify the Council's position on amusement permit applications and allow for greater coherence and consistency in decision-making.

The Council has broad discretion in the range of matters it may consider in the determination of applications.

This policy establishes, for all interested parties, the matters which are likely to be taken into consideration. This does not prevent the Council from departing from this policy where it is appropriate to do so.

Every successful applicant that is issued an Amusement Permit will be required to sign up to the '**Voluntary Code of Conduct for Amusement Permits**' see Appendix F page 24.

Appendix A

Guidance for premises (as per 1985 Order & amendments thereof)

In terms of the actual premises used wholly or mainly for the provision of amusements by gaming machines, Derry City and Strabane District Council has powers,

under Article 111, paragraph 6b of the 1985 Order, to specify:

- how premises are illuminated;
- the form of advertising and window display; and
- how notices are displayed on the premises.

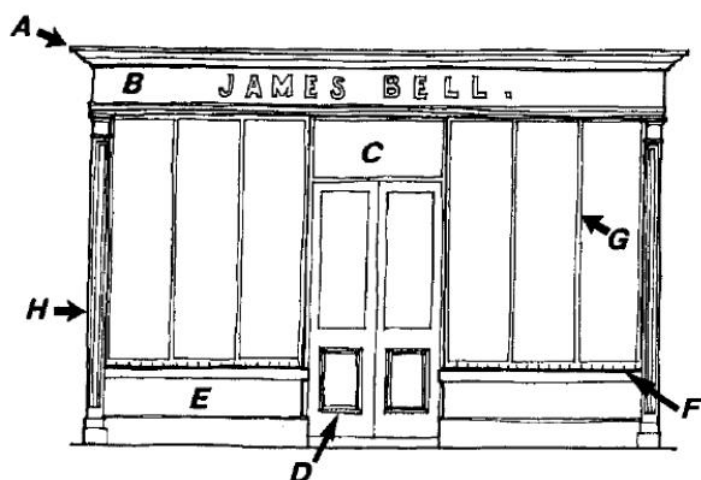
Addressing each of the above matters in turn, the following points should be noted by applicants:

- Illumination – as a general rule illumination should be kept to a minimum and no floodlighting of premises will be permitted, save for trough/spot lighting over the fascia
- Form of advertising and window displays – the name of the business should be clearly advertised in the window.
- The windows should be designed so as to shield the interior (and machines) from public view. This could involve the use of fixed screening inside the windows, opaque fenestration or a combination of both. Projecting signs that advertise the presence of the establishment are not considered suitable for amusement arcades
- Legislation in Northern Ireland restricts access to higher prize machines by people under eighteen. Notification of this restriction should be clearly displayed on the exterior of the premises and ideally a proof-of age scheme should be implemented by the operator.
- Notices on premises - advertising in amusement arcades should be legal, socially responsible and not construed to exploit or specifically target the young and other vulnerable persons through style, presentation or content.
- Interior notices indicating that access is prohibited to persons aged under eighteen should be prominently displayed.
- Notices containing helpline contact details for organisations such as GamCare, Gamblers Anonymous, Gambleaware, CNWL National Problem Gambling Clinic etc. should also be displayed within the premises. Applicants may also wish to consider providing information leaflets with helpline contact details near gaming machines.

Guidance on the content of Notices is available in the rule book known as the *'The CAP Code' The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing Edition 12*. The Committee of Advertising Practice (CAP) is the self-regulatory body that creates and enforces this Code.

The full text of the CAP CODE is available online at <http://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

The requirement to regulate illumination, advertising and window displays on an amusement arcade has to be balanced against a wider planning desire to avoid the creation of an unsightly facade that could undermine the visual amenity of the streetscape. Therefore, in order to promote their integration, this policy considers the need for applicant for amusement arcades to respect elements of the traditional shop-front design (see illustration below).



- A *Cornice*
- B *Fascia*
- C *Fanlight*
- D *Panelled Door*
- E *Stallriser*
- F *Sill*
- G *Mullion*
- H *Pilaster and Corbel*

*Elements of a
traditional shopfront*

Reference to the traditional shop-front design is intended to alert applicants to the key features of a retail façade. It is submitted as information only and is not intended to be read as a rigid template for the frontage design of premises.

Appendix B**The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985****Police Questionnaire**

In accordance with the above legislation, relating to Amusement Permits, the Police Service of Northern Ireland (PSNI) is duly requested to give its considered opinion in respect of the fitness of the applicant to hold an amusement permit and the location of the application premises.

Applicant details: _____

Premises' details: _____

Application for Amusement Permit (including renewal of Permits)

Question	Y	N	Don't Know	If 'Y' please provide details including dates
Has the applicant ever been convicted of a criminal offence?				
Has the Police ever received complaints about the applicant or premises?				
Has the Police ever been called to intervene in disturbances in the vicinity of the premises?				
Has the Police ever objected to an amusement permit application for these premises in the past, or to an application made by the same applicant elsewhere?				
Overall, does the Police have any objections to this applicant being granted an amusement permit?				
Overall, in the opinion of the Police, If 'N' please give reasons is the location of the premises considered suitable for an amusement arcade? For example its suitability in terms of its proximity to residential institutions that are used for bail or probation purposes.				

Appendix C

Documentation Required and Timescale for Application process

Type of Application	Documents Required	Process	Application Duration
Grant	<ul style="list-style-type: none"> • Application Form Completed • Copy of Planning Permission • Relevant Fee • Copy of Public Notice in ALL Newspapers • Character Reference • Financial Standing Reference • Fire Risk Assessment • Copy of Indemnity • Copy of Building Control Approval • Signed Voluntary Code of Practice (Optional) 	If ALL required documents are received, application will be assessed for processing and an inspection of the premises carried out.	No representations, a minimum of 12 weeks from the date of receipt of the last required document. Representation received a minimum of 16 weeks from the date of receipt of the last required document, this to accommodate hearings from applicant and complainants
Renewal	<ul style="list-style-type: none"> • Application Form Completed • Relevant Fee • Character Reference • Financial Standing Reference • Fire Risk Assessment • Copy of Indemnity • Signed Voluntary Code of Practice (Optional) 	If ALL required documents are received, application will be assessed for processing and an inspection of the premises carried out.	No representations, a minimum of 12 weeks from the date of the last required document is received. Representation received a minimum of 16 weeks from the date of receipt of the last required document, this to accommodate hearings from applicant and complainants
Provisional Grant	<ul style="list-style-type: none"> • Application Form Completed • Copy of Planning Permission • Relevant Fee • Copy of Public Notice in ALL Newspapers • Character Reference • Financial Standing Reference • Copy of Building Control Approval • Signed Voluntary Code of Practice (Optional) 	Application for Grant must be made with 2 years from date Provisional Grant has been approved.	No representations, a minimum of 12 weeks from the date of the last required document is received. Representation received a minimum of 16 weeks from the date of receipt of the last required document, this to accommodate hearings from applicant and complainants

Appendix D

GUIDANCE & SUMMARY

AMUSEMENT PERMIT SUMMARY

Amusement Arcade or Pleasure Fair you must obtain an amusement permit from the Council.

Generally there are two categories of permit:-

1. Article 108(1)(c) up to £8.00 maximum prize value payout Age limit - Access unrestricted (although Council asks operators to abide by a Voluntary Code of Conduct restricting access to persons aged 16 and over). Application Fee - £32.00.
2. Article 108(1)(ca) up to £25.00 maximum prize value payout Age limit - Access 18 and over only. Application Fee - £250.00.

Please note that the **application fee is non-returnable** if the application is refused.

ELIGIBILITY CRITERIA

An amusement permit may be granted to an individual, to a body corporate which is registered under the companies (Northern Ireland) Order 1986, as amended or which is an existing company within the meaning of that Order, or to 2 or more persons carrying on business in partnership.

Where the applicant is a Company, Derry City and Strabane District Council will require the name, address and date of birth of the Company's Directors, Executive Officers and those who have a financial interest in it.

REGULATION SUMMARY

The Betting Gaming Lotteries and Amusements (Northern Ireland) Order 1985 can be found at:

www.legislation.gov.uk/nisi/1985/1204/contents

Articles 109 – 121 deal with amusement permits

APPLICATION EVALUATION PROCESS

Applications for the Grant or Provisional Grant of a permit must include:

The Council requires 2 references.

One of the references should be as to the applicant's character and reputation; and

Other should be as to his/her financial standing. (The latter should preferably come from a professional person with knowledge of the applicant's financial situation e.g. Bank Manager or Accountant).

A copy of planning approval for use of the premises as an amusement arcade is required. This is issued by the Planning Service and the applicant should consult directly with them to receive guidance on this matter.

A copy of the Completion Certificate from the Building Control authority where premises have had building work carried out which requires Building Control approval.

Applications for the Grant, Provisional Grant or Renewal of a permit must be accompanied by the appropriate fee.

When applying for the **INITIAL GRANT** of an amusement permit, **you must advertise in two local newspapers within 7 days of the date of the application**. Please note that copies of the advertisements must be submitted to the Licensing Department, Derry City and Strabane District Council.

When applying for the **RENEWAL** of an amusement permit, **advertising in the local press is not required**

An inspection of the premises will be carried out by the Council before a new application can be approved. The Fire Risk Assessment in respect of the premises may be audited by the Northern Ireland Fire and Rescue Service prior to the application being approved. Premises will be inspected by a Council Officer to ensure that the premises meet technical requirements before a permit can be renewed.

Where representations have been lodged as a result of the public notice placed in two local newspapers both the applicant and the person or persons making the representation will be given the opportunity to appear before the council.

Neither applicant nor the persons making such representations are obliged to appear however all representations will be considered by the Council when determining whether or not the licence should be renewed. Applicants will be made aware of any objections lodged at the earliest practical opportunity.

WILL TACIT CONSENT APPLY?

The Police and the public all have a legitimate interest in the outcome of applications for the initial **Grant** or **Provisional Grant** of a permit, therefore to minimise the risk of a permit being granted inadvertently **Tacit consent does not apply to these applications**.

It is in the public interest that such applications are fully processed before a permit can be issued. Therefore, **if a permit has not been granted you may not provide Amusements** at the location in question until such times as the application is approved.

Tacit consent will only apply where a **renewal application is received before the expiry date** of the **existing permit**. This means the permit is deemed to remain in force beyond the expiry date of the previous permit until such times as the application is determined.

Appendix E Guidance Notes

GUIDANCE NOTES FOR APPLICANTS FOR AMUSEMENT PERMIT

under

'The Betting, Gaming, Lotteries and Amusements (N.I.) Order 1985'.

Please read carefully.

- 1** An amusement permit is a permit issued under the above Order authorising gaming by means of gaming machines.
- 2** In certain circumstances the Council may grant or renew an amusement permit limiting the number of gaming machines. A gaming machine means any machine which is used for playing a game of chance. It is our policy to define a premise as being wholly or mainly an amusement arcade by virtue of it having at least one more gaming machine than all other types of machines.
- 3** The new permit allows the machines to pay out a maximum cash prize of £25.00. The existing permit allows the machines to pay out a maximum cash prize of £8.00.
- 4** An amusement permit may be granted to an individual, a partnership of two or more, or to a company registered under the Companies (NI) Order 1986 as amended or which is an existing company within the meaning of that Order, or to 2 or more persons carrying on business in partnership. The person to whom an amusement permit is granted is the person who is, or proposes to be, the occupier of the premises for which the amusement permit is sought.
- 5** In considering the fitness of a corporate body to hold an amusement permit the Council has to consider the character, reputation and financial standing of the Directors and other persons who have executive control and a financial interest.
- 6** The legislation requires that the name and address of the owner of the premises is known.
- 7** In considering the fitness of a person to hold an amusement permit the Council has to consider the character, reputation and financial standing of the applicant **and** any person who would be managing the business. The person managing the premises must be someone who would not be refused a permit should they apply.
- 8** In certain circumstances, such as noise disturbance to people living in the vicinity of the premises or after consultation with the PSNI, the Council may impose a requirement that the premises close no later than 10.30 pm.
- 9** The legislation requires that you serve a copy of the application on the Sub-Divisional commander of the PSNI for the area that your premises are located.
- 10** The legislation allows the Council to request that public notices be advertised. When applying for **GRANT** of an amusement permit, you must

advertise in two local newspapers within 7 days of the date of the application. Please note that copies of the advertisements must be submitted to the Licensing and Safety Advisory Group Section, Derry City and Strabane District Council.

- 11 When applying for the **RENEWAL** of an amusement permit, advertising in the local press in **not** required
- 12 To ensure that the layout, character or condition of the premises are suitable for use as an amusement arcade the Council require all applicants to submit a copy of plans of the premises to a scale of 1/100.
- 13 If applying for a permit in respect of Article 108 1 (c) the fee will be £32 per annum.
- 14 If applying for a permit in respect of Article 108 1(ca) the fee will be £250 per annum. **Please note that the application fee is non-returnable if the application is refused.**
- 15 The Council requires all applicants to enclose with their application two references. One of the references should be as to the applicant's character and reputation and from persons; the other should be as to his/her financial standing. The latter should preferably come from a professional person with knowledge of the applicant's financial situation e.g. Bank Manager or Accountant.
- 16 **A copy of planning approval for use of the premises as an amusement arcade is required.** This is issued by the Planning Service and the applicant should consult directly with them to receive guidance on this matter.

Please send your completed application to:-

The Licensing and Safety Advisory Group Section
 Derry City and Strabane District Council
 Council Offices
 98 Strand Road
 Derry
 BT48 7NN
 Or
 47 Derry Road
 Strabane
 Co Tyrone
 BT82 8DY

If you have any queries concerning your application please contact the Licensing Officer, on Telephone: 028 71 253 253

Appendix F Voluntary Code of Conduct

Derry City and Strabane District Council

VOLUNTARY CODE OF CONDUCT FOR AMUSEMENT PREMISES

1. This Code is intended to cover the operation of Amusement Premises which provide amusements by way of gaming machines and which are required to be subject to an Amusement Permit granted by Derry City and Strabane District Council under the Betting, Gaming, Lotteries and Amusements (N.I.) Order 1985.
 - **Persons under the age of 16 will be totally prohibited from entering the premises, if the premises holds a 108(1)(ca) Permit then entrance to any area operating gaming machines that offer higher prizes is restricted to over 18 by Law**
2. No Permit holder will conduct his business in a manner that is likely to bring it into disrepute.
3. No Permit holder will do anything that is reasonable likely to cause annoyance or inconvenience to the public or to the occupiers of neighbouring premises.
4. **Every Permit holder** shall -
 - (a) keep his premises in a good state of repair and decoration;
 - (b) ensure that all parts of his premises are kept adequately lit;
 - (c) ensure that the premises are adequately staffed and always in the charge of a mature and responsible person.
6. The **consumption of alcohol** on the premises is **NOT PERMITTED**.
7. The use or handling **of drugs or other prohibited substances** is **STRICTLY FORBIDDEN**.
8. **No Permit holder** or manager **will discriminate against**, or will permit or aid discrimination against any person on **the grounds of colour, creed, race or sex**. Every person must be treated fairly and equally. However, no Permit holder will allow any person leniency, undue favouritism or special consideration on the grounds of colour, race, creed or sex.
9. The **Permit holder will at all times maintain all machines** and games in efficient working order and will ensure that any **equipment which may be found defective is withdrawn** from use until it has been repaired.
10. A **Permit holder** will take all **reasonable precautions to prevent disorderly conduct** on his premises and ensure that his premises are not used as a place of resort by undesirable persons and **will reserve the right of admission at all times**.

11. A permit holder may require that any person not playing the machines will be asked to leave the premises.
12. The **Permit holder will co-operate with authorised officers of the Council and the police in every way** and shall respect and comply with the provisions of the Betting, Gaming, Lotteries and Amusements (N.I.) Order 1985 and any subsequent Regulations made under that Order, and shall abide by any bye-laws made by Derry City and Strabane District Council in relation to Amusement Premises.
13. The **Permit holder will display prominently on his premises notices indicating -**
- (a) that **persons under the age of 18 are totally prohibited** from entering the area designated within the premises;
 - (b) that the **consumption of alcohol on the premises is NOT PERMITTED;**
 - (c) that the **use of drugs or other prohibited substances is STRICTLY FORBIDDEN;**
 - (d) that he has undertaken to operate within this Code.

DERRY CITY AND STRABANE DISTRICT COUNCIL

STATEMENT BY HOLDER OF/APPLICANT FOR AMUSEMENT PERMIT

I have read the Voluntary Code of Conduct for Amusement Premises and make the following declaration.

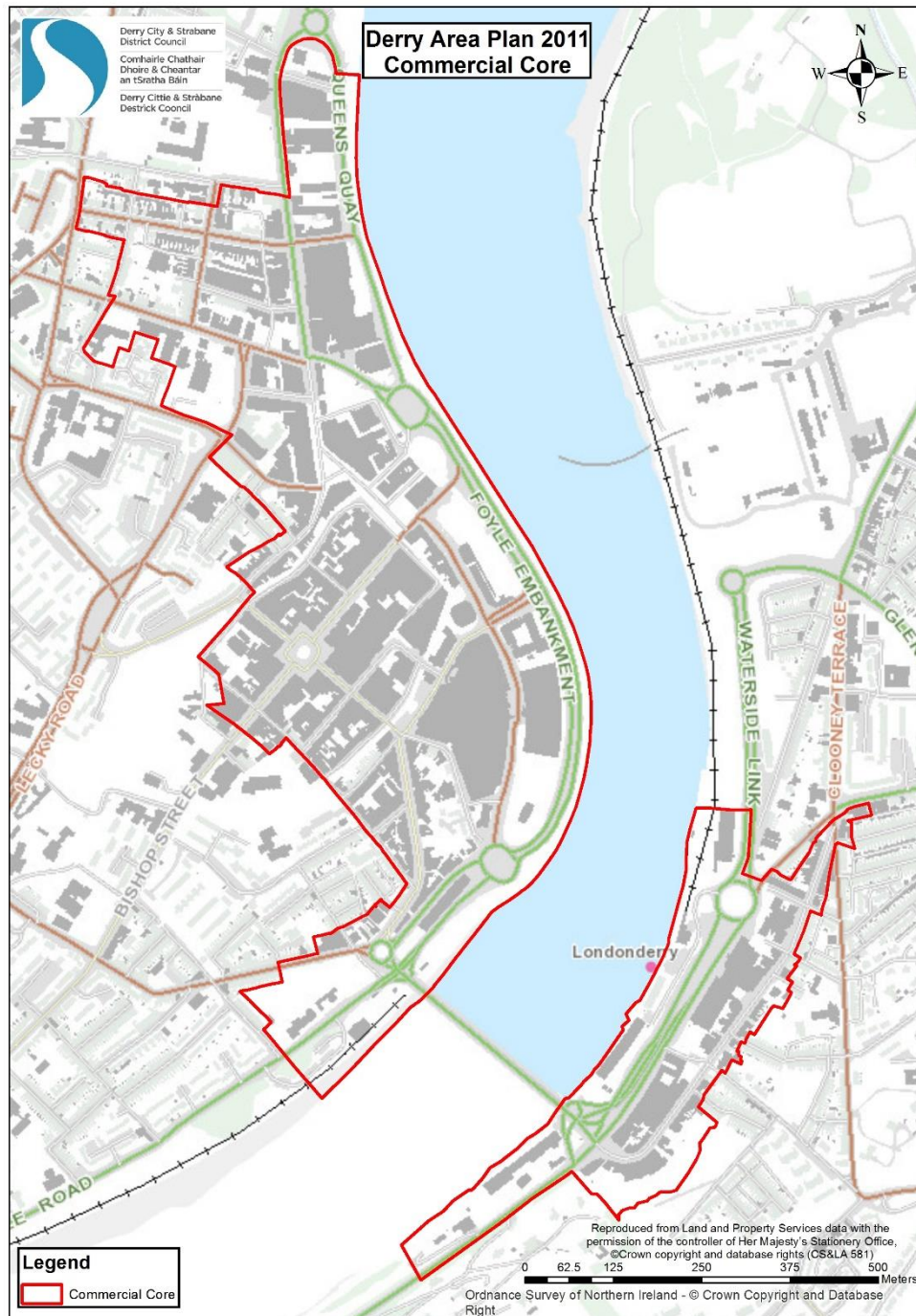
I agree to abide by the Voluntary Code of Conduct for Amusement Premises in its entirety and will ensure, as far as possible, strict compliance with it on my premises.

Signed _____ Date _____

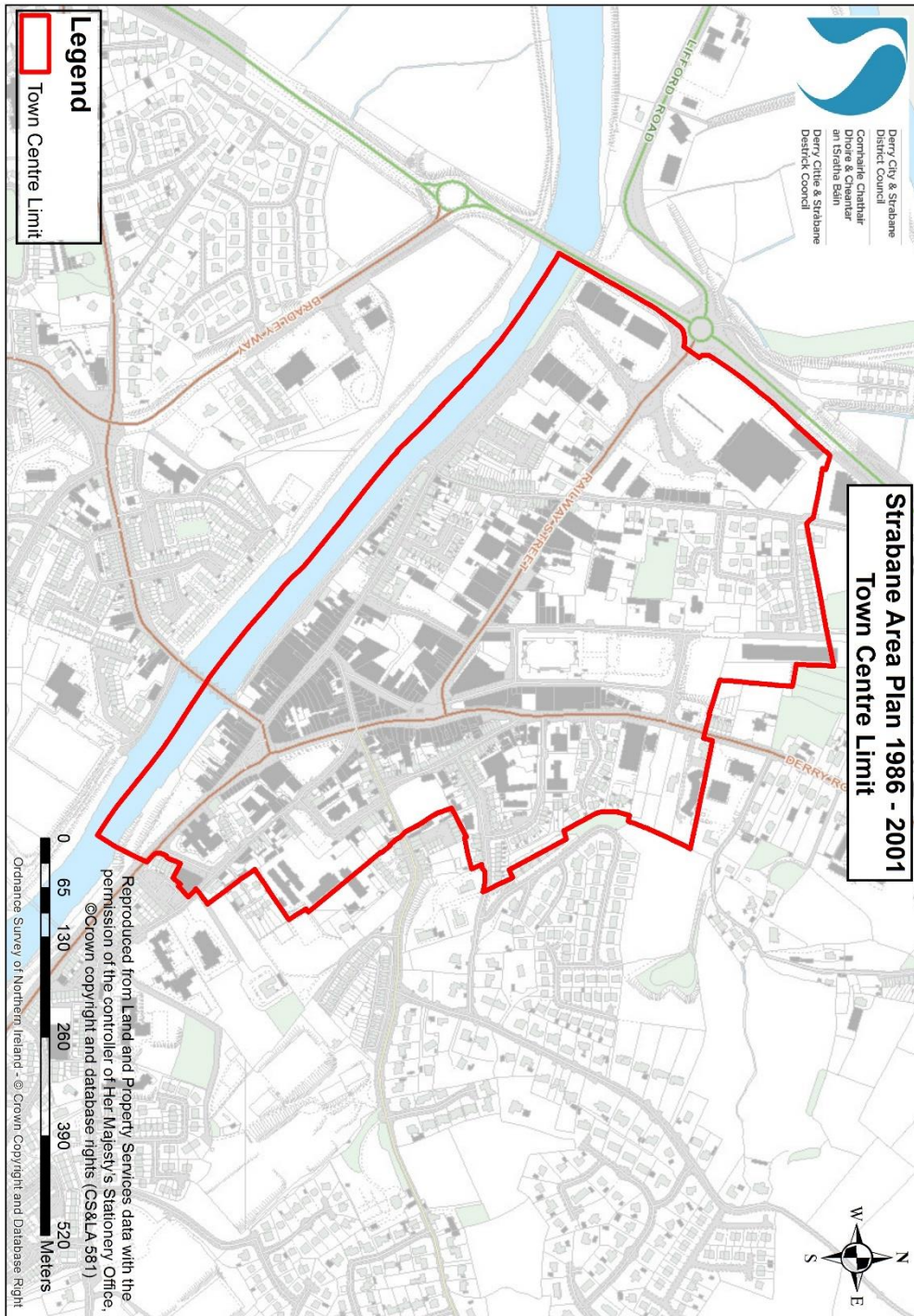
I cannot agree to abide by the Voluntary Code of Conduct for Amusement Premises for the following reason(s) -

(Please state reason(s) briefly

Appendix 'G' Derry City and Strabane Town Commercial Core Areas *(Any new official map produced by statutory agencies and associated with matters contained in this policy will supersede previous map(s)).*



Strabane



Appendix H**Application Form**

Derry City & Strabane
District Council

Comhairle Chathair
Dhoire & Cheantar
an tSratha Bain

Derry Cittie & Strabane
Destrack Cooncil

**Betting and Gaming (NI) Order 2004 and Betting, Gaming Lotteries and
Amusements (NI) Order 1985**

Application for the Renewal/Grant/Provisional Grant of an Amusement Permit

For further details contact:

Licensing and Safety Advisory Group Section

Derry City and Strabane District Council Offices
98 Strand Road
Derry
BT48 7NN

or

47 Derry Road
Strabane
Co Tyrone
BT82 8DY

Tel: 028 71253 253

BETTING AND GAMING (NI) ORDER 2004 AND BETTING, GAMING LOTTERIES & AMUSEMENTS
(NORTHERN IRELAND) ORDER 1985

**APPLICATION FOR THE RENEWAL
OF AN AMUSEMENT PERMIT**

(Please print details)

Name & Address of Premises for permit

Telephone No: _____

Name & Address of Premises Owner

Telephone No: _____

<u>Licence type</u>	<u>Fee Type</u>	<u>Please Tick</u>
Permit type required 108(1)(c) <i>up to £8 maximum prize value payout</i> Access unrestricted	Application fee £32	
Permit type required 108(1)(ca) <i>up to £25 maximum cash prize payout</i> Access 18 & over only	Application fee £250	

Please provide the Name(s) and Address (es) of any person by whom the business which is proposed to be carried on under the permit would be managed or for whose benefit the business would be carried on; **or**

If the applicant is a body corporate, provide the names and addresses of the directors and any other persons having executive control of it and who have a financial interest in it.

Applicant

<u>Individual</u>	<u>Corporate</u>
Name:	Name:
Address:	Address:
.....
Telephone No:.....	Telephone No:.....
Date of Birth:	Date of Birth:

I certify that the premises are either :- (circle as appropriate)

(i) used wholly or mainly for amusements by means of gaming machines **or**

(ii) used wholly or mainly for the purposes of a pleasure fair consisting wholly or mainly of amusements

If premises are of type (ii) above then specify the number of gaming machines to be provided in conjunction with the other amusements,

No of gaming machines _____

I _____ being the occupier of the premises to be permitted, hereby make application for the **renewal/grant / provisional grant** (please delete as appropriate) of an Amusement Permit, pursuant to the provisions of Articles 111 and 115 of the above mentioned Order, for the authorisation of gaming by means of gaming machines, in accordance with the conditions of Article 108 of the above Order and subject to such conditions as the Council may impose.

I understand that I will serve a copy of this application on the PSNI and I give authority to the Council to inquire of them and any other relevant body as to my/our suitability in accordance with Article 109 of the said order.

Signed _____ Dated _____

POINTS OF RELEVANCE

- Where the applicant is a Company, Council will require the **name, address, and date of birth** of the Company's Directors, Executive Officers and those who have a financial interest in it.
- An amusement permit may be granted to an individual, to a body corporate which is registered under the Companies (Northern Ireland) Order 1986, as amended or which is an existing company within the meaning of that Order, or to 2 or more persons carrying on business in partnership.
- When applying for a **Grant** of an amusement permit, public notice of the application must be advertised in two local newspapers within **seven days of the date of application** (see attached form of notice) and copies of each advertisement should be sent to the Council.
- When applying for the **renewal** of an amusement permit, advertising in the local press is **not** required.