

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Appeal Hearing re: Application for Amusement Permit by Carousel Slots, Downpatrick held on Monday 11 March 2024 at 5.00pm in the Chamber Council Offices, Monaghan Row Newry

Chairperson: Councillor M Ruane (Chamber)

Committee Members

In attendance: Councillor T Andrews Councillor C Bowsie
Councillor G Kearns Councillor C King
Councillor A McMurray Councillor J Truesdale

Non-Committee Members

in attendance via teams: Councillor J Brennan

Officials in attendance: Mr C Mallon, Director Enterprise Regeneration & Tourism.
Mr J McGilly, Assistant Director, Regeneration.
Mr P Rooney, Acting Head of Legal Administration.
Ms P Hughes, Senior Licensing Officer.
Mr C Toner, Licensing Officer.
Ms F Branagh, Democratic Services Officer.

Also in attendance: Mr Alan Stewart, Anderson Agnew and Co (in objection)
Mr Damian Agnew, Anderson Agnew & Co (in objection)
Mr Andy Stephens, Matrix Planning Consultancy (in support)
Mr Alan Humphries (applicant)

APOLOGIES

Apologies were received from Councillors Galbraith, Hanna, S Murphy, Quinn and Tinnelly.

DECLARATIONS OF INTEREST

There were no declarations of interest.

HEARING RE: APPLICATION FOR AMUSEMENT PERMIT PREMISES AT: CAROUSEL SLOTS, 8 SCOTCH STREET, DOWNPATRICK, BT30 6AQ

Read: Report dated 11 March 2024 from Mr J McGilly, Assistant Director, ERT regarding an application for an Amusement Permit for premises at Carousel Slots, 8 Scotch Street, Downpatrick, BT30 6AQ. **(Circulated)**

The Chairperson noted that some late information had been received, and following review by Council Officer's, he highlighted that it was agreed that no one had sight of the information. Mr Mallon confirmed that the late information provided had not been

taken into account due to the time lapse between the deadline for submission, and the date the information was received.

- The Council's Licensing Section received an application for an Amusement Permit for premises at Carousel Slot, 8 Scotch Street, Downpatrick, BT30 6AQ, on 06 February 2023.
- The Applicant had been informed of Council's intention to refuse the application as it did not meet the criteria set out in Section 4 and 5 of the Council's Gaming and Amusement Policy.
- Under Legislation the applicant had the right to appeal and be heard in accordance with the Enterprise Regeneration & Tourism Committee's Protocol for Hearing of Statutory Referrals to Committee.
- An appeal hearing was held on 14 August 2023, and the application was refused.

This meeting was the second appeal hearing of the application for an amusement permit at Carousel Slots, 8 Scotch Street, Downpatrick, BT30 6AQ.

Mr Alan Stewart and Mr Damian Agnew addressed the Members present and summarised the written submissions already received. They put forth their arguments in objection to the application, and highlighted various points as follows:

- There was an issue with planning permission, as the building was currently used as a hair salon and no change of use permission had been granted from the previous use as amusements.
- No evidence was put forth to show that the building was owned by the applicant.
- Highlighted a range of community groups and services within 200m of the venue that contradicted this venue as being a suitable location.
- Site was based in the retail core of the town, a local conservation area and the cultural centre of the town.
- Stated they believed this was a new application for the site, as the Council guidelines around amusement permits had been introduced since the last permit had been granted on site.

Following this briefing, there were no questions from Members. The Chair then invited those in support of the application to make their address.

My Andy Stevens, with the support of the applicant, then put forth their arguments as to why they believed the permit should be granted, detailed as follows:

- Planning permission had been granted in March 2012, with no objections from statutory consultees.
- Full amusement permit was granted in November 2012, on the condition that Planning be completed within a five-year period.
- There was no application regarding a change of use to a hair salon, therefore this was not a legal business.
- The 2012 permission had been enacted, and its permission had not been succeeded by a change of use to the hair salon, therefore this was not a first-time application for a permit at this address.

- The Council 2019 policy for amusement and permits did not overrule the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, therefore the previous permit should be renewed, despite the 11-year gap.

Councillor Bowsie stated that amusement permits were to be renewed annually and queried the gap in application from 2012. Mr Stevens advised that he was not aware of the previous applicant as he was acting on behalf of a new applicant, and reliant on a previous application and permit.

Councillor Truesdale queried if residents had objected to the application in 2012. Mr Stevens advised that he did not have that information to hand as he was not acting on behalf of the previous applicant.

Following the presentations, the Chair advised that the applicant would be notified of the decision in due course, at which point both parties left the Chamber.

After a short discussion, Members unanimously agreed to proceed as follows:

- Agreed:** **On the proposal of Councillor Bowsie, seconded by Councillor Truesdale, it was agreed:**
- a) **To refuse the application for the Grant of an Amusement Permit at 8 Scotch Street, Downpatrick, for Alan Humpries, based on the criteria within Section 4 and 5 of the Gaming and Amusement Policy.**
 - b) **To note the applicant may appeal the Council's decision within 21 days of notification of the decision to the County Court.**

There being no further business the meeting concluded at 5.31pm.

For adoption at the Council Meeting to be held on Monday 8 April 2024.

Signed: **Councillor M Ruane**
Chairperson of Enterprise Regeneration & Tourism Committee

Signed: **Mr C Mallon**
Director of Enterprise Regeneration & Tourism Committee
