



Committee report

Committee	LICENSING COMMITTEE
Date	14 DECEMBER 2015
Title	TO CONSIDER THE REVISED POLICY STATEMENT OF PRINCIPLES UNDER SECTION 349 OF THE GAMBLING ACT 2005 AND RECOMMEND IT FOR ADOPTION BY FULL COUNCIL
Report of	EXECUTIVE MEMBER FOR PLANNING, LICENSING, PUBLIC REALM AND LOCAL ENGAGEMENT

EXECUTIVE SUMMARY

1. This paper considers the authority's draft Gambling Policy Statement of Licensing Principles for the next three years and recommends the adoption of the policy to Full Council.

BACKGROUND

2. Under Section 349 of the Gambling Act 2005, a licensing authority is required every three years to determine its policy with respect to the exercise of its licensing functions, and to publish a statement of the principles it proposes to apply.
3. The policy acts as the primary document for setting out the council's approach to regulating gambling establishments locally, ensuring gambling is only permitted in a safe and responsible way.
4. Before determining its policy for a three year period, the licensing authority must consult various persons and public bodies as stated in the Act.
5. The previous policy ran from January 2013 and expires in January 2016.
6. The committee is requested to consider the draft revised Gambling Policy Statement of Licensing Principles, and recommend the policy to Full Council for adoption, with any amendments deemed necessary. The draft document is attached at Appendix A.
7. The following changes have been made to the 2013-16 policy:
 - Moved sections around into a more logical order
 - Amendment of population figures

- Licensing objectives – more information
- Local authority functions – new section
- Responsible authorities/interested parties made a separate section
- Fundamental principles - inclusion of Gambling Commission revised licence conditions & codes of practice (LCCP) and reference to local area profile
- Applications - included local authorities requirements for Licensed Premises Gaming Machine Permit and Small Society Lotteries
- Compliance and enforcement - addition of powers relating to the instigation of criminal proceedings.
- Exchange of information - addition of how information is protected

STRATEGIC CONTEXT

8. The Gambling Policy Statement of Licensing Principles is in accordance with the council's priorities of 'Supporting growth in the economy, making the Island a better place and keeping it safe'.

CONSULTATION

9. A 28 day consultation period commenced on 30 November 2015 and will end on 28 December 2015.
10. Those who were directly consulted included:
 - responsible authorities listed in the Gambling Act;
 - all councillors, town & parish councils and the local MP;
 - persons representing the interest of persons holding licences and permits under the Gambling Act;
 - trade bodies representing the gambling industry.
11. The draft policy was publicised on the consultation page of the council's website to allow the public to make any comments.
12. A notice was inserted in the Isle of Wight County Press on 4 December 2015 giving details of how comments could be made.
13. At the time of writing this report the Licensing Department had not received any comments. Any comments received during the consultation will be evaluated and included within the report to Full Council.

FINANCIAL/ BUDGET IMPLICATIONS

14. Council expenditure on gambling related matters is balanced by income generated from fees. Some fees are set by the council and represent the costs of administering and the enforcement of matters relating to gambling. Other fees are set by government.
15. Application fees are charged for all licences and permits under this legislation. Annual fees are charged where a premises licence and certain permits are in place, in accordance with the Act.

LEGAL IMPLICATION

16. The licensing authority is required to adopt a statement of licensing policy by virtue of section 349 of the Gambling Act 2005. This policy is required by the same act to be reviewed every three years. The policy must have regard to any statutory guidance issued by the Gambling Commission.
17. Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006 set out the requirements for the content of the Statement of Licensing Policy and the procedure in preparing and publishing the Statement of Licensing Policy.

Implications under the Crime and Disorder Act 1998

18. Under Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) "it shall be the duty of each authority.... to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime, disorder and anti-social behaviour adversely affecting the environment, and substance misuse in its area."
19. One of the material considerations of the gambling licencing regime is to take into account any potential crime and disorder issues caused by an application. Any concerns have to be considered when determining to either grant or refuse an application.

EQUALITY AND DIVERSITY

20. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
21. The EIA completed for this policy indicates that there is no adverse impact on any of the protected characteristics.

OPTIONS

22. Option 1: To approve the draft revised policy statement of licensing principles and recommend its adoption by Full Council.

Option 2: To approve the draft revised statement of licensing principles, subject to any minor amendments proposed by the committee, if deemed necessary, and recommend adoption of the amended policy to Full Council.

RISK MANAGEMENT

23. With regard to Option 1: Should the committee approve the draft policy, it will be considered by Full Council on 20 January 2016.
24. With regard to Option 2: Should the committee decide to amend the policy, there would be time for any amendments to be made prior to the meeting of Full Council on 20 January 2016. However, any substantial changes may necessitate further consultation and this would delay the implementation of the new policy.

EVALUATION

25. Any comments received will be verbally reported to the committee on the day of the meeting and any changes arising from the comments will also be provided for consideration.

RECOMMENDATION

26. Option 1: To approve the draft revised Policy Statement of Licensing Principles, and recommend adoption by Full Council.

APPENDICES ATTACHED

27. [Appendix A](#): Draft Isle of Wight Council Policy Statement of Licensing Principles 2016-2019.

BACKGROUND PAPERS

28. [Statement of Licensing Policy 2013 – 2016](#)

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