



Committee report

Committee	FULL COUNCIL
Date	20 JANUARY 2016
Title	ADOPTION OF THE REVISED POLICY STATEMENT OF PRINCIPLES UNDER SECTION 349 OF THE GAMBLING ACT 2005
Report of	Executive Member for Planning, Licensing, Public Realm and Local Engagement

EXECUTIVE SUMMARY

1. This report recommends the adoption of the authority's draft Gambling Policy Statement of Licensing Principles for the period 31 January 2016 to 31 January 2019 (Appendix A).

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. Before determining its policy for a three year period, the licensing authority must consult various persons and public bodies as stated in the Act.
4. The previous policy ran from 31 January 2013 and will expire on 31 January 2016.
5. At a meeting of the Licensing Committee on 14 December 2015 the Committee considered the draft statement of licensing principles and resolved that the policy be approved and recommended to Full Council for adoption.

STRATEGIC CONTEXT

6. This is a statutory function required by Section 349 of the Gambling Act 2005. The Gambling Policy Statement of Licensing Principles is in accordance with the council's corporate priorities of 'Supporting growth in the economy, making the Island a better place and keeping it safe'.

CONSULTATION

7. A 28 day consultation period commenced on 30 November 2015 and ended on 28 December 2015.
8. Those who were 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.
9. The draft policy was publicised on the council's website to allow the public to make any comments, and hard copies were also made available on request.
10. A notice was inserted in the Isle of Wight County Press on 4 December 2015 giving details of how comments could be made.
11. No comments have been received which specifically relate to the draft Gambling Policy.

FINANCIAL/ BUDGET IMPLICATIONS

12. 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.
13. 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

14. 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.
15. 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 to be followed in preparing and publishing the Statement of Licensing Policy.

Implications under the Crime and Disorder Act 1998

16. 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.”

Implications under the Human Rights Act 1998

17. The adoption of this revised policy will not prohibit the granting of licences, but will regulate them, and will provide relevant information to potential applicants. When making such decisions, local authorities must take into account any rights the existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions) Article 8 (right to respect to private and family life) and Article 6 (right to a fair hearing).

EQUALITY AND DIVERSITY

18. 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.
19. The EIA completed for this policy indicates that there is no adverse impact on any of the protected characteristics.

OPTIONS

20. Option 1: To adopt the draft revised policy statement of licensing principles
- Option 2: To adopt the draft revised statement of licensing principles, subject to any minor amendments proposed, if deemed necessary.

RISK MANAGEMENT

21. With regard to Option 1: Should the council adopt the draft policy, it will come into effect from 31 January 2016.
22. With regard to Option 2: Should the council decide to amend the policy, further consultation may need to be carried out and this would delay the implementation of the new policy.

EVALUATION

23. Any late comments received during the remainder of the consultation period following approval of the Licensing Committee will be verbally reported on the day of the meeting and any suggested amendments arising from the comments will also be provided for consideration.

RECOMMENDATION

24. Option 1: To adopt the draft revised Policy Statement of Licensing Principles 2016 – 2019, to come into effect from 31 January 2016.

APPENDICES ATTACHED

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

BACKGROUND PAPERS

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

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