



## PAPER E

Purpose: For Decision

# Committee report

Committee	<b>FULL COUNCIL</b>
Date	<b>16 JANUARY 2019</b>
Title	<b>ADOPTION OF THE REVISED POLICY STATEMENT OF PRINCIPLES UNDER SECTION 349 OF THE GAMBLING ACT 2005</b>
Report of	<b>CABINET MEMBER FOR COMMUNITY SAFETY &amp; PUBLIC PROTECTION</b>

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### EXECUTIVE SUMMARY

1. This report recommends the adoption of the authority's draft revised Gambling Policy Statement of Licensing Principles (Appendix A).
2. If adopted, the policy will remain in place for a period of three years from 31 January 2019.

### BACKGROUND

3. 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.
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 2016 to January 2019.
6. The revised policy has been updated with regard to the population figures of the Isle of Wight, and extra information has been added in respect of the various licences and permits available under the Act.

### STRATEGIC CONTEXT

7. 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 'delivering economic growth and prosperity', and 'protecting our community'.

## CONSULTATION

8. A three-week consultation period commenced on 8 November 2018 and ended on 30 November 2018.
9. Those who were consulted included:
  - Isle of Wight Member of Parliament
  - All IW Council Members
  - Town and Parish Councils
  - Responsible Authorities
  - Bodies representing the interests of persons carrying on gambling businesses
  - Bodies representing the interests of persons likely to be affected by the exercise of the authority's functions

There were no comments received following the consultation.

## FINANCIAL / BUDGET IMPLICATIONS

10. 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 related to gambling. Other fees are set by government.
11. 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 IMPLICATIONS

12. 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.
13. 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 Principles and the procedure to be followed in preparing the policy. S349 of the Gambling Act 2005 sets out the requirement to publish the statement.

## EQUALITY AND DIVERSITY

14. 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.

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

#### OPTIONS

16. Option 1: To adopt the draft revised policy Statement of Licensing Principles 2019 – 2022, to come into effect from 31 January 2019.
- Option 2: To adopt the draft revised statement of licensing principles, subject to any minor amendments proposed, if deemed necessary

#### RISK MANAGEMENT

17. With regard to Option 1: Should the Council adopt the draft policy statement of licensing principles, it will come into effect from 31 January 2019.
18. With regard to Option 2: Should the Council decide to amend the draft policy statement of principles, further consultation may need to be carried out. This would delay the implementation of the new policy until such time as the required consultation had taken place, any further comment incorporated, and the new draft policy adopted. Not having a policy in place could cause difficulties in being able to defend decisions made.

#### EVALUATION

19. As there were no comments received following the consultation, it is recommended that the Council adopts the draft revised policy.

#### RECOMMENDATION

20. Option 1: To adopt the draft revised Policy Statement of Licensing Principles 2019 – 2022, to come into effect from 31 January 2019.

#### APPENDICES ATTACHED

21. [Appendix A – Draft Isle of Wight Council Policy Statement of Licensing Principles 2019 – 2022.](#)

#### BACKGROUND PAPERS

22. Statement of Licensing Principles 2016-2019

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