



Purpose: For Decision

# Full Council Report

Date **19 JANUARY 2022**

Title **ADOPTION OF THE REVISED POLICY STATEMENT OF PRINCIPLES UNDER SECTION 349 OF THE GAMBLING ACT 2005**

Report of **CABINET MEMBER FOR COMMUNITY PROTECTION, DIGITAL TRANSFORMATION, HOUSING PROVISION AND HOUSING NEEDS**

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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 1).
2. If adopted, the policy will remain in place for a period of three years from 31 January 2022.

## RECOMMENDATION

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| <ol style="list-style-type: none"><li>3. That the Council adopt the draft revised Policy Statement of Licensing Principles 2022 – 2025, to come into effect from 31 January 2022 at Appendix 1.</li></ol> |
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## BACKGROUND

4. 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.
5. Before determining its policy for a three-year period, the licensing authority must consult various persons and public bodies as stated in the Act.
6. The previous policy ran from January 2019 to January 2022.

## STRATEGIC CONTEXT

7. Gambling activities, either by way of a betting shop or arcade provides an opportunity for those willing to participate in these activities across the Island with several premises being licensed.

8. They provide jobs to the community and therefore has a benefit to the island economy.
9. The Gambling Policy relates to several corporate priorities of the Isle of Wight council Corporate plan 2021-2025, but specifically 'Deliver the Statutory Regulatory Functions to Keep the Island Businesses, Residents, and Visitors safe from Harm'.
10. In addition, the following Core Values also apply:
  - Being community focused – wherever possible putting the needs of our residents first.
  - Working together – engaging with partners to make the most of integrated working
  - Being effective and efficient – being the best we can in how we organise and deliver our services
  - Being fair and transparent – making decisions based on data and evidence and in an open and accountable way

### CONSULTATION

11. A consultation commenced on 10 November 2021 and ended on 8 December 2021.
12. As a part of the consultation an advert was placed in the County Press, or the Licensing Department's web site and all existing licence holders were contacted directly.
13. In addition, on Monday 22 November 2021 a briefing session was held with the Licensing Committee where staff presented the revised policy to obtain the views of the committee members.

### FINANCIAL / BUDGET IMPLICATIONS

14. The Council's expenditure on Gambling licensing related matters is balanced from income generated from fees. The fees are set by the council in accordance with the maximum levels permitted by the legislation and represent the full costs of administering and the regulation of matters relating to street trading.

### IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

15. The Gambling Act 2005 set very strict age restrictions on gambling activities and the paying of gaming machines. These are legal requirements and if not followed may lead to formal legal action being taken.

### CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

16. There isn't anything in the Policy which covers the Climate Change Agenda.

### LEGAL IMPLICATIONS

17. 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.

18. 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 and publishing the policy.

### EQUALITY AND DIVERSITY

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

### SECTION 17 CRIME AND DISORDER ACT 1998

21. The consultation process and the ongoing administration process requires an input from the Police regarding crime and disorder. Staff therefore feel that the Council's requirements under the Crime and Disorder Act 1998 is covered.

### OPTIONS

22. Option 1: That the Council adopts the draft revised Policy Statement of Licensing Principles 2022 – 2025, to come into effect from 31 January 2012 at Appendix 1.
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24. Option 2: That the Council amends and then adopts the draft revised Policy Statement of Licensing Principles 2022 – 2025, to come into effect from 31 January 2022 at Appendix 1.
25. Option 3: That the Council does not approve the policy at Appendix 1 and refer back to staff for further action.

### RISK MANAGEMENT

26. The Policy sets out how the Isle of Wight Council will regulate the Gambling Licensing regime, including application, determination, renewal, enforcement, and appeals. The policy also offers guidance and information for both applicant and decision makers on the areas of consideration to promote a consistent approach.
27. Staff are satisfied that the policy is fit for purpose and therefore presents no risk if it is approved.
28. If the Policy isn't approved and adopted the Council would continue to operate on the old out of date policy until such time a new policy is adopted and approved.

## EVALUATION

29. One comment was received from an existing license holder received, their comments are attached at Appendix 2.
30. Staff have considered these comments along with those discussed with the licensing committee and have amended the initial draft policy where officers feel it was appropriate so that it has considered the thoughts of the trade, public to ensure that a balanced, safe and legislatively compliant Gambling Licensing regime is maintained.

## APPENDICES ATTACHED

31. Appendix 1 - Proposed Policy Statement of Licensing Principles 2021-2026.
32. Appendix 2 - Comments received through public consultation.

## BACKGROUND PAPERS

33. [Policy Statement of Gambling Principles 2019 to 2022](#)

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