

## REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE

(Meeting held on 12 January 2007)

### 1. GAMBLING ACT 2005 – FEE SETTING (REPORT B) (MINUTE NO. 34)

The Committee has considered the responsibility of the Authority to set gambling fees under the Gambling Act 2005.

The Committee is aware that the Government is likely to decide that premises licence fees will be set via a series of bands, with a prescribed maximum. Licensing Authorities will be able to select precise fees from within these bands, limited to cost recovery.

In addition, it is anticipated that those Authorities rated excellent by the CPA will be able to set premises licence fees outside the bands, these are, however limited to cost recovery only.

Section 212 sets out the provision for Licensing Authorities to set their own fees. Section 154 of the Gambling Act 2005 also enables the Council to delegate the function of setting the fees to the Licensing Committee.

There will be a relatively short timescale between the publishing of Government Guidance on the setting of fees and the implementation of the Act. The Committee has considered that for expedience of time, the Council should consider delegating the function of fee setting to the General Purposes and Licensing Committee for 2007 only. In subsequent years the fees will be dealt with by the Council as part of the normal fees and charges review.

#### **RECOMMENDED:**

***That, in accordance with the provisions of Section 212 of the Gambling Act 2005, the Council delegate powers to the General Purposes and Licensing Committee to set gambling fees for 2007.***

### 2. GAMBLING ACT 2005 – CHANGES TO COMMITTEE TERMS OF REFERENCE (MINUTE NO. 33)

The Committee has considered the proposed changes to the Committee's terms of reference which were necessary to facilitate the requirements of the Gambling Act 2005.

#### **RECOMMENDED:**

***That the Council agree the following changes, indicated in bold italics, to the Committee's terms of reference: -***

1. To be the licensing committee established by the Council under section 6 of the Licensing Act 2003 and to discharge **the** licensing **authority** functions under that Act **and the Gambling Act 2005**.
2. To keep the Council's Statement of Licensing Policy **and Statement of Gambling Principles** under review and recommend changes to the Cabinet and Council.
3. To provide regular reports to the Planning Development Control Committee and Review Panels, as appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol **and gaming** related crime and disorder.

**3. ELLINGHAM, HARBRIDGE & IBSLEY PARISH COUNCIL – REDUCTION IN NUMBER OF MEMBERS (REPORT E) (MINUTE NO. 36)**

The Committee considered the reduction in the number of members on Ellingham, Harbridge & Ibsley Parish Council.

Ellingham, Harbridge & Ibsley Parish Council consists of 10 members, however there have been two vacancies on the Parish Council since September 2005, and despite advertising the vacancies, the Parish Council has been unable to fill both positions.

The Parish Council see little likelihood of suitable persons being found for the vacancies and have therefore requested that the numbers on the Council be reduced from 10 to 8.

Ellingham, Harbridge and Ibsley Parish Council has a large Council when compared to other New Forest parishes of a similar electoral size, for example: -

Ellingham, Harbridge & Ibsley - 10 Councillors, electors 958  
 Ashurst & Colbury – 8 Councillors, electors 1719  
 Boldre – 8 Councillors, electors 1572  
 Burley – 6 Councillors, electors 1170  
 Netley Marsh – 7 Councillors, electors 1711

The Chairman and members of the Parish Council are therefore confident that the business of the Parish Council can be undertaken successfully and effectively with 8 Councillors.

The District Council has powers under the Local Government and Rating Act 1997 to vary the numbers on Parish Councils. In considering the number of parish councillors to be elected from the parish, the District Council must have regard to the number of electors for the parish, and any likely change in that number in the next 5 years. There is no expectation that elector numbers in the Parish will fluctuate significantly over the next few years.

The Committee considered that, in the circumstance, the request for a reduction in the size of the Parish Council was reasonable. The Parish Council has been unable to recruit suitable persons despite advertising, and it is unlikely that the District Council would succeed in finding suitable candidates. The number of Councillors for the Parish Council is above the average for other parishes of similar size.

**RECOMMENDED:**

***That, in accordance with the provisions of Section 17 (2) of the Local Government and Rating Act 1997, the Council agree that the number of Parish Councillors be reduced from 10 to 8 with immediate effect.***

Cllr W H Dow  
CHAIRMAN