



Report to:	Licensing Committee	Date:	15 September 2015
Report title:	Governance Review - Licensing Scheme of Delegation		
Report from:	Strategic Director Environment, Housing and Regeneration		
Ward/Areas affected:	Borough wide		
Chair of Committee/Lead Member:	Councillor Mary Burstow		
Author(s)/Contact Number(s):	Victoria Lower, Senior Business Support Officer (Democratic Services), 020 8770 4640 Richard Winch, Licensing Manager, 020 8770 5070		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Fair Council • A Smart Council 		
Open/Exempt:	Open		
Signed:		Date:	7 September 2015

1. Summary

- 1.1 To consider changes to the constitution to ensure greater constitutional robustness in terms of decision making.

2. Recommendations

- 2.1 That the Licensing Committee comment on the revised Section 3, Responsibility for Licensing Functions Part 2, attached at Appendix A, ahead of consideration by the Strategy and Resources Committee.

3. Background

- 3.1 The aim of the Governance Review is to strengthen open and transparent decision making, to provide clarity in terms of member and officer relationships and to assist members and officers to work in a more efficient way. This review is consistent with the principles set in the Council's corporate plan particularly in terms of being a Fair and Open Council. A key principle of the review is for the Constitution to reflect the vision and values of the Council.
- 3.2 The review of the Responsibility for Licensing Functions within Section 3 of the Constitution is part of the wider Governance Review of the Scheme of Delegation.



- 3.3 Strategy and Resources Committee have the responsibility for the Council's Constitution, and so amendments to the Scheme of Delegation will be considered by this committee before being recommended to Council.

4. Issues

Scheme of Delegation and Thresholds for Decisions

- 4.1 Amendments to Section 3, Part 2 Responsibility Licensing Functions under the Licensing Act 2003, the Gambling Act 2005, the Scrap Metal Dealers Act 2013, the Local Government (Miscellaneous Provisions) Act 1982, and the London Local Authorities Act 1990 are proposed as the delegations have not been reviewed for some time, and are not assigned at the appropriate officer level.

Timescales for implementation

- 4.2 If these recommendations are agreed by Council in November 2015 it is proposed that the changes will be introduced in January 2016. This gives time to implement and brief officers on the new requirements for decision making.

Options Considered

- 4.3 It is for Council to agree the Constitution which includes the scheme of delegation to officers. It is a decision for members on whether to change how delegated decisions are structured. These changes are being proposed to ensure clarity and robustness of decision making structures in Sutton.

5. Impacts and Implications

Financial

- 5.1 There are no direct financial implications arising out of this report.

Legal

- 5.2 The proposed delegations outlined within this report have been taken from the table attached to Paragraphs 13.61 – 13.63 of the Revised Guidance issued under section 182 of the Licensing Act 2003 dated 27 March 2015. Any slight variance is made to strengthen the Council's scheme of delegation for Licensing Act 2003 decision making.
- 5.3 The proposed delegations outlined with this report arise from section 154 of the Gambling Act 2005 and have been taken from Paragraph 4.3(a) and the table attached to Paragraphs 4.4–4.8 of the Gambling Commission Guidance (4th Edition) issued under section 25 of the Gambling Act 2005 dated September 2012. Any slight variance is made to strengthen the Council's scheme of delegation for Gambling Act 2005 decision making.



6. Appendices and Background Documents

Appendix letter	Title
A	Proposed revised Section 3, Part 2 (Responsibility for Licensing Functions under the Licensing Act 2003 and Gambling Act 2005)

Background documents
None

Audit Trail		
Version	Final	Date: 3 September 2015
Consultation with other officers		
Finance	Yes	Christine Little
Legal	Yes	Guy Bishop

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