

23 January 2018 at 7.30 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 15.01.18



Legal & Democratic Services Advisory Committee

Membership:

Chairman, Cllr. Firth; Vice-Chairman, Cllr. Pett
Cllrs. Barnes, Bosley, Dr. Canet, Dyball, Eyre, Halford, Mrs. Hunter, Lake,
McGarvey and Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting held on 17 October 2017 and the Extraordinary meeting held on 14 December 2017 (to follow) as a correct record.	(Pages 1 - 6)	
2. Declarations of Interest Any interests not already registered.		
3. Actions from Previous Meeting	(Pages 7 - 8)	
4. Update from Portfolio Holder		
5. Referrals from Cabinet or the Audit Committee (if any)		
6. Impact of Brexit on Sevenoaks District Council Guest speaker Professor Hadfield	(Pages 9 - 30)	Margaret Carr Tel: 01732 227341
7. Electoral Registration and Elections	(Pages 31 - 38)	Nicola Fletcher Tel: 01732 227188
8. Work Plan	(Pages 39 - 40)	

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

LEGAL & DEMOCRATIC SERVICES ADVISORY COMMITTEE

Minutes of the meeting held on 17 October 2017 commencing at 7.00 pm

Present: Cllr. Firth (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Bosley, Dyball, Eyre, Halford, Mrs. Hunter, Lake, McGarvey, and Raikes

Apologies for absence were received from Cllrs. Barnes and Dr. Canet

Cllr. Lowe and Purves were also present.

11. Minutes

Resolved: That the minutes of the meeting of the Committee held on 19 June 2017 be approved and signed by the Chairman as a correct record.

12. Declarations of Interest

No additional declarations of interest were made.

13. Actions from Previous Meeting

There were none.

14. Update from Portfolio Holder

The Portfolio Holder, and Chairman highlighted some key aspects from her update, and tabled recent legal successes. The Licencing Partnership was a finalist in the Association of Public Sector Excellence awards and discussions were taking place with the London Borough of Bromley for joining the Licensing Partnership.

In response to questions Members were advised that the Democratic Services Officer post was currently out for advert and the impact of the additional workload put on the rest of team was acknowledged and their efforts appreciated.

15. Referrals from Cabinet or the Audit Committee

There were none.

16. Affordable Housing Company

The Chief Officer of Communities and Business and Head of Legal and Democratic Services presented the report which sought authority to progress the proposal to set up an Affordable Housing Company. The report set out the need for such a company and explained the requirement for a sound business case to be developed and the likely company structure should a sound business case be proved. The Council transferred its social housing stock to West Kent Housing Association in 1989 and since that date had not had a housing revenue account. Therefore, the Council was not in a position to provide affordable housing or act as a social landlord in its own right.

The Housing Policy Manager advised that the Council's recent Local Housing Needs study demonstrated the imbalance of affordable dwellings and the greatest need. Affordable housing included social rented, affordable rented and intermediate housing. A potential funding source for the company, and an assumption used within the report was Section 106 (S106) funding. Ongoing management costs of the affordable housing company and its set up costs would be required to be found from elsewhere. It was anticipated that the Affordable Housing Company would complement current projects.

The Head of Legal and Democratic Services advised that the Council could incorporate its own affordable housing company and that various models existed for the relationship to the Council, including being set up as a 'standalone' company reporting to a Trading Board or being set up as a subsidiary of a new holding company. He advised that the most cost effective way to set up the company would be to follow the model of Quercus 7 including the appointment of the same Trading Board, Board of Directors and Secretary and to follow the same structures, policies and systems Quercus 7 had established. Specialist external advice was being sought to enable the business case to be developed.

Members discussed the report and asked questions of clarification. In response to questions Members were advised that the criteria for those who would qualify for the affordable housing and the value of the rent were issues that would be included in the consultants' brief. Members asked that the figures provided for the amount of money received through affordable housing contributions be extended to the beginning of the scheme to show the complete picture.

Action1: Housing Policy Manager to provide the figures of monies received since 2011/2012 and when and where the money had been spent.

The need to balance the budget and social need was also discussed. Members were advised that the consultant would be able to provide further information in regards to different scenarios put forward. Members discussed meeting the consultant.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that it be recommended to Council that

- a) it is noted that expert external advice to develop a comprehensive business case to deliver Members ambition for the Council to develop its own affordable housing within the District has been commissioned;
- b) subject to a sound business case being established, the Head of Legal and Democratic Services is authorised to incorporate a standalone Affordable Housing Company first taking detailed advice and assistance from specialist external lawyers on the delivery model and set-up process;
- c) the broad governance and funding arrangements set out in this report are noted;
- d) delegated authority be given to the Portfolio Holders for Finance, Housing & Health and Legal and Democratic Services in consultation with the Chief Executive, Chief Finance Officer and Head of Legal and Democratic Services to settle the detailed arrangements for the establishment of the company; and
- e) in the event that a sound business case to deliver affordable housing through an affordable housing company cannot be established Officers report back to Members setting out further options to deliver on Members ambition to develop its own affordable housing within the District.

17. Quercus 7 Limited - The Appointment of Observers to Board Meetings

The Head of Legal and Democratic Services presented a report which detailed the powers of the Trading Board of Quercus 7 for the appointment of non-voting observers to Quercus 7 Board meetings. The Shareholder Agreement allowed non-voting observers to be appointed to attend Board meetings and that the appointment of observers was exercised by the Trading Board with the approval of Quercus 7 Board's approval.

In response to a question Members were advised that Members were entitled to attend the Annual General Meeting.

Resolved: that the report be noted.

18. Member Training

The Chief Officer Corporate Services presented a report which set out the results of the Member Training Survey that was carried out in March and April 2017. The survey had a 70% response rate and full responses were detailed in appendix A with a summary of areas on interest in appendix B.

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Members discussed the training and how to make it accessible to as many Members as possible and discussed the timings and length of the sessions. Members were advised that discussions would take place with the relevant Committee Chairmen and Chief Officer as to when each training session should take place. The Chief Officer advised that he would investigate and quantify the resources required for recording training sessions.

Action 2: Chief Officer Corporate Services investigate and quantify the resources required for recording training sessions.

Resolved: That Member training programme was considered by the committee.

19. Budget 2018/19: Service Dashboards and Service Change Impact Assessments (SCIAS)

The Chief Finance Officer presented the report which set out updates to the 2018/19 budget within the existing framework of the 10-year budget and savings plan. The report presented proposals that had been identified and needed to be considered, together with further suggestions made by the Advisory Committees, before finalising the budget for 2018/19.

Informed by the latest information from Government and discussions with Cabinet, it was proposed that the Council continued to set a revenue budget which assumed no funding from Government through the Revenue Support Grant or New Homes Bonus. This would result in the Council continuing to be financially self-sufficient as set out in its Corporate Plan.

To achieve this aim and to ensure a balanced budget position over the next 10-year period, whilst also increasing the Council's ability to be sustainable beyond that time, a savings requirement of £100,000 per annum was included. Other pressures may come out later in the budget process, such as when the Government publishes its Autumn Budget on 22 November or when the Local Government Finance Settlement is announced in December. There may therefore be a requirement for further savings. Officers would continue to monitor these pressures and report the latest position to Cabinet in December.

The Chief Officer Corporate Services explained the new savings item relating to Electoral Services that was put forward in Appendix E of the report. Members supported this item.

No new growth items had been proposed in the report for services applicable to this Advisory Committee. Members were given the opportunity to discuss and put forward any growth and savings suggestions. Members also noted the growth and saving items suggested by the Advisory Committee the previous year as set out in Appendix F to the report and discussed possible additional savings through an additional partner in the Licensing Partnership.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) the saving proposal identified in appendix E (SCIA 04) be agreed; and
- b) there were no further suggestions for growth and savings applicable to this Advisory Committee.

20. Work Plan

Members were advised that a report covering Brexit would be added to the 23 January 2018 meeting.

THE MEETING WAS CONCLUDED AT 9.10 PM

CHAIRMAN

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ACTIONS FROM THE MEETING HELD ON 17/10/17

Action	Description	Status and last updated	Contact Officer
ACTION 1	Housing Policy Manager to provide the figures of monies received since 2011/2012 and when and where the money had been spent.	A email was circulated on 10/01/2018	Gavin Missions Ext. 7332
ACTION 2	Chief Officer Corporate Services investigate and quantify the resources required for recording training sessions.	An update will be provided at the meeting. 08/01/2018	Jim Carrington-West Ext. 7398

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IMPACT OF BREXIT ON SEVENOAKS DISTRICT COUNCIL

Legal and Democratic Services Advisory committee - 23 January 2018

Report of	Dr Pav Ramewal, Chief Executive
Status	For consideration
Key Decision	No
Portfolio Holder	Cllr. Anna Firth
Contact Officer	Lee Banks, Ext 7161; Margaret Carr, Ext 7341

Recommendation to Legal and Democratic Services Committee: To note and comment on the work so far regarding the potential impact of Brexit on the Council.

Reason for recommendation: Although the full impact of Brexit on the Council may not be known for some time this report brings Members up to date with the current position.

Introduction and Background

- 1 The UK Government triggered Article 50 of the Treaty on European Union on 29 March 2017 following the UK's vote to leave in June 2016. At the same time, the Prime Minister delivered a letter of notice to the European Council setting out the UK's priorities.
- 2 It is accepted that the two sides now have two years - until 29 March 2019 - to negotiate a withdrawal agreement, or to unanimously agree an extension. On this date, all EU law will transpose into UK law, following which the Government decides which of the 17,000 regulations to keep, amend or discard. The UK can leave without an agreement, but an 'orderly withdrawal' is the desired outcome for all parties.
- 3 Members will be aware that negotiations are still in progress to confirm the precise details of the UK's exit. At the time of writing this report, sufficient progress has been made on the UK's financial contributions (the "divorce bill"), the rights of EU citizens in the UK and the border between Northern Ireland and the Republic for stage two talks to commence. Ministers have been clear that leaving the EU means leaving the Single Market, the Customs Union, and an end to free movement.
- 4 Following a request by the Leader of the Council, Councillor Mrs Firth has agreed to look at the potential impact of Brexit on the council and the district.

Brexit monitoring

- 5 Officers have continued close monitoring of progress and announcements, and whether there is sufficient information available for the Council to review the following: the way services are delivered; budget assumptions in the Financial Prospects Report to Members; the potential for exchange rates to impact on finances, and the implications regarding business rates reduction due to caution by businesses not wishing to invest until clarity is achieved.
- 6 There is a significant amount of information and analysis available on the Parliament website, including a series of the Government's own position papers published as an aide to the negotiations. However, despite these (and a significant body of speculative research on Brexit), there is unlikely to be sufficient detail available for councils to take a more informed view until the following is known: the nature of the deal to leave the EU, our future trading relationship both with the EU and the rest of the world, and the criteria for the Shared Prosperity Fund, intended in part to re-purpose the UK's former EU contributions.
- 7 Both Houses of Parliament are scrutinising Brexit via a series of committees, including the Communities and Local Government Committee which launched an inquiry into the impact of Brexit on local government in October last year. The inquiry is set to continue hearing evidence throughout most of this year; written evidence was however requested by 14 November 2017. A written submission from Sevenoaks District Council was duly sent to the Inquiry by the Portfolio Holder and is available as a Background Paper to this report; the executive summary is included as Appendix A.
- 8 Following the analysis of both written and oral evidence to the CLG Inquiry, the Chairman wrote to the Secretary of State for Communities and Local Government on 6 December 2017 with four key areas of concern that had emerged: replacement of EU funding; changes in the EU workforce; retaining, amending and repealing EU legislation, and representation of local government in the Brexit negotiations and beyond.

County-wide work

- 9 The Centre for European Studies at Christchurch University in Canterbury have produced reports looking at the potential impact of Brexit in Kent. The first of these looks at SMEs and the Rural Economy in the county, and the second and third, currently in draft form, on the implications for the health and care sector, and on borders and customs. Professor Hadfield who co-wrote these reports has been invited to present the findings at this evening's meeting. The LGA and KCC Members have received a similar presentation on the first of these.
- 10 The County Council will no doubt also be looking at the impact of potential skills shortages on a number of sectors (including health and care), and looking for early indications from Government regarding how these will be addressed to make sure there is no shortfall in key workers following the end

to free movement. In addition, the impact on the Port of Dover will be high on their list of concerns. The impact on EU funding in the county is referred to in paragraph 15.

Local Government Association (LGA)

- 11 The LGA is working to make sure the voice of local government is heard throughout the Brexit process, with a Task and Finish Group chaired by Cllr Kevin Bentley. The LGA is keen to raise awareness of the potential for former EU laws to be repatriated not just to Westminster but at a more local level, taking forward the EU principle of subsidiarity: central government acts only if the intended outcome cannot be sufficiently achieved at a regional or local level, or, decision making at the lowest possible level.
- 12 In addition, the LGA has scoped out the relevant legislation for local government that could impact on councils. This Council established an Officer Working Group to assess how these impacts could be felt locally; the initial results are attached as Appendix B.
- 13 Members will also note from the timeline attached as Appendix C that it is highly unlikely that any proposed changes to transposed EU legislation will be available for comment or consultation until after the proposed exit date of 29 March 2019, making it difficult for Officers to commit further resource to providing a detailed assessment of the local impact of Brexit until this critical information becomes available.

Funding

- 14 CIPFA (Chartered Institute of Public Finance Accountants) launched a Brexit Advisory Commission at the end of August, to “*explore the impact of Brexit negotiations on public services and aims to ensure the government fully considers public sector needs as it works towards a final deal. Its areas of focus include state aid rules, structural and investment funding and the future of EU nationals employed in the public sector*”. CIPFA will provide evidence based analysis of the relationship between UK public services and EU funding and bring forward policy recommendations on how future funding mechanisms could best work. At the time of writing, there was no update available on this work.
- 15 The South East LEP (Local Enterprise Partnership) has an indicative allocation of £160 million of Structural Funds from the EU which was awarded by the Government for the 2014 - 2020 EU funding period. These funds are for projects that will deliver growth and jobs. This is made up of £74.2m ERDF (European Regional Development Fund); £71.6m ESF (European Social Fund); and £14.5m EAFRD (European Agricultural Fund for Rural Development). The most direct impact on the Council would be loss of funding for the LEADER Programme at the end of its current funding period.
- 16 The County Council may also be funding projects in the District from EU funding sources which could therefore stop or reduce. During the previous programming period 2007-13, the county secured some £30 million in EU

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grants in support of around 70 projects. These covered a wide range of areas including economic development, support to business and trade, education and training, improving public services, tourism and environmental protection. The ambition for 2014 - 2020 programming period was to secure £100m. A report to the Growth, Economic Development and Communities Cabinet Committee in June 2016 on the Impact of the EU Referendum on European Funding indicated that a total of £62.62m had been secured, including £5.3m for the LEADER programme in West Kent, East Kent and Mid Kent.

- 17 Government has confirmed that all signed structural fund projects are guaranteed funding up to the point when the UK departs the EU - even when these projects continue after we have left. Projects will have to demonstrate good value for money and be in line with domestic strategic priorities.
- 18 The role of LEPs has been emphasized in the Government's latest iteration of its Industrial Strategy, and it is clear that LEPs are seen as key strategic authorities in a post-Brexit UK. Government has already indicated that increased government investment will come from the creation of a National Productivity Investment Fund (NPIF), announced in the November 2016 Autumn Statement. Over the course of the four years from 2017/18 to 2021/22, the Government has allocated £23 billion in spending for the new fund to be spread across four main areas: housing, transport, digital communications, and research and development (R&D).
- 19 Government also committed to a post-Brexit Shared Prosperity Fund. Again, there are no further details available regarding the criteria for this, how much will be allocated to it, the relationship it may have with the Local Growth Fund, whether the EU principle of match funding will apply, or what outcomes the Government expects from this. Given the emphasis on raising productivity and to evening out regional disparities it is likely these will be priorities and that LEPs may be the regional purse holders.
- 20 The Chancellor of the Exchequer also announced in the Autumn statement that on top of the £700 million already invested in Brexit preparations he was setting aside another £3 billion over the next two years together with further sums if and when needed. However, to-date, no further details are available as to exactly what type of Brexit preparations this would fund.

Rural Communities

- 21 The government has promised an Agriculture Bill to replace the Common Agriculture Policy (CAP) which has hitherto guided EU funding and policy. CAP has been criticized as being overly bureaucratic and burdensome but there is no doubt that rural economies are very dependent on EU funding and will be at the forefront of any funding that is available post Brexit. The issue of broadband access and speed remains of significant importance for rural diversification within the district.

Migration and access to skills.

- 22 Government has confirmed that all EU nationals in the UK at the time of exit will be able to remain here although they may be required to be part of a new registration scheme. The agriculture and horticulture sector are two of several sectors that will be impacted by post-Brexit policies on migration. Government has indicated that they do not feel a Seasonal Agricultural Workers scheme is necessary but have undertaken to keep this under review and to consult widely with business about how access to skills can work following an end to free movement.
- 23 Other sectors that could be heavily impacted upon include construction, hospitality and retail, and health and care. Some larger employers will also be having to deal with National Minimum Wage, automatic pensions enrolment, the apprenticeship levy and the fact that domestic employment is at very high levels, meaning that filling skills gaps from a local pool may prove difficult. The Migration Advisory Committee will be making recommendations on how the visa system can become better aligned to the needs of employers, hopefully taking into account the fact that the majority of small firms will have had no experience of navigating the UK's points-based immigration system and will not have HR departments to deal with complex immigration procedures.
- 24 At the Legal and Democratic Portfolio Holder's suggestion, The Portfolio Holder for Economic Development and Property has agreed that a survey of businesses in the district on the challenges and opportunities of Brexit would be a useful way of gaining insight into what, if any, support the council could provide in the future, the level of trade that exists between the EU and employers in the district, and any concerns regarding access to skills. The survey is scheduled to be carried out in the early Spring 2018.

Other Options Considered and/or Rejected

N/A

Key Implications

Financial, Legal Implications and Risk Assessment Statement.

There are no financial or legal implications arising as a result of this report. A Risk Assessment Statement is not applicable.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

Brexit brings both opportunities and challenges for the UK and for both the district and the Council. Although it is hard to predict the precise nature of these at the

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time of writing, the major impact will most likely be on our local economy and the Economic Development Strategy will need to keep pace with these opportunities and challenges as they emerge. On a more strategic level, this will also include any further iterations of the Industrial Strategy that offer further detail on “local” industrial strategies and the role of LEPs going forward.

Officers will continue to monitor these developments and others including: the new Agriculture Bill and any proposals regarding the successor to the CAP; the work of the Migration Advisory Committee; the work of the LGA in pursuing devolution, and will reconvene the Officer Working Group as necessary to examine any proposals that may emerge over time regarding deregulation.

Appendices

Appendix A - Executive Summary of written submission by Sevenoaks District Council to the CLG Committee Inquiry into the Impact of Brexit on Local Government

Appendix B - Summary of Officer Working Group analysis of EU Legislation relevant to Sevenoaks District Council

Appendix C - Brexit timeline

Background Papers

[Written submission by Sevenoaks District Council to the CLG Committee Inquiry into the Impact of Brexit on Local Government.](#)

Dr Pav Ramewal

Chief Executive

Appendix A

Written evidence from Sevenoaks District Council to the CLG Committee Inquiry on The Impact of Brexit on Local Government

November 2017

Executive Summary:

- As a large, financially self-sufficient and award-winning rural District Council in Kent, with a significant City commuter population and close links to Dover/the Continent we are well placed to a) understand the issues, b) meet the challenges and c) exploit the opportunities of Brexit.
- The repatriation of powers from the EU closer to home should bring with it the principle of subsidiarity: decision making at the lowest possible level. Brexit provides a once in a generation opportunity to shape local government for the future, devolving responsibilities and resources to local democracies. We would welcome any discussions on piloting devolved responsibilities.
- This applies particularly to the area of skills devolution, where there is mounting evidence that the unique characteristics of very local labour markets need local skills solutions and funding, not national ones determined by Westminster and large employers. Government should prioritise the devolution of skills funding to a strategic authority and provide the means necessary to devolve further to functional economic areas such as West Kent, which are significantly different to those on the other side of the county.
- The current lack of clarity on any post-Brexit trade deal is making forecasting extremely challenging. Government is moving towards the 100% retention of business rates as the primary means of funding local government and should in this context consider setting aside repatriated funding to make sure the already precarious financial position of some councils is not made worse by any loss of business rates resulting from a “no deal” approach.
- Government should also consider funding temporary and local “Brexit Compliance Officers” within local councils to support SMEs to transition successfully to a new regime. These officers can work alongside all the other regulatory functions housed within councils such as environmental health, licensing, planning, building control, etc., and in the case of Sevenoaks District Council, fall naturally within our “Team Around the Business” approach.

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- Government should support the rural economy and diversification by ensuring universal high speed broadband coverage as a matter of urgency, and by pressing the legal and insurance sectors to make sure their advice and products are fit for 21st century trading with regard to issues of copyright and trade marks in particular regarding web-based trading.
- Local Government, and districts in particular, are the Brexit nucleus within which the various challenges converge and where many of the solutions lie. It is vital that our voice continues to be heard while we continue to be a strong and stable presence for all our communities in this rapidly changing environment.

Appendix B: Brexit Working Group Meeting 01 November 2017 - Summary

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
Public Procurement	<p>UK Public Contracts legislation stems directly from EU law.</p> <p>The most significant requirement is for all public contracts over €209,000 to be published in the Official Journal of the European Union (OJEU), thus making them accessible to suppliers from across the EU. In the medium term, public procurement rules more generally will remain in place as they have been implemented via UK law.</p> <p>World Trade Organisation (WTO) agreements also regulate public procurement.</p>	2	<p>Contract value not that important as the rules for procurement below the threshold as very similar. If the UK negotiates a trading deal with the EU, it is likely the rules may remain the same. WTO procurement rules are very reflective of EU ones. Some rules became more flexible recently which was greeted positively. Most of SDCs suppliers are UK based; if any are multi-national, there could be more concern if the government opted for a “no deal” exit.</p> <p>IT systems linked to government ones which are compliant with the EU regulations - would we need to tweak these post Brexit?</p>
Regulatory services, consumer protection, trading standards, including food safety, licensing, product safety, fair trading, weights	EU laws governing these issues are generally considered by councils to be helpful in	2	Industry Lead Bodies/Regulators are all doing their own research into the impact of Brexit. There

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
and measures	<p>protecting public safety. Consumer Law could be seen as especially helpful in promoting confidence in consumers.</p> <p>As with waste directives, most trading standards legislation consists of EU directives transposed into domestic law: therefore, this would not be repealed automatically on leaving the EU.</p>		<p>may be added responsibilities for UK Regulators post Brexit. Many of the areas listed are KCC's responsibility.</p>
<p>Environment: air quality standards, strategic environmental assessments, municipal buildings and energy standards</p>	<p>UK environmental legislation often stems directly from EU legislation. This covers areas such as national fines for poor performance against air quality standards and the preparation of environmental assessments as part of the planning process.</p> <p>Local authorities must manage their buildings and procurement in line with energy efficiency rules based on EU law. The basis of these</p>	3/4	<p>Planning requirement to carry out Strategic Environmental Assessment as part of Local Plan, and to seek to improve air quality (or as a minimum not make it worse) as part of any new development. While a potential in regulatory fines for poor performance may be welcome, there is increased focus on deaths from poor air quality which means these regulations may remain.</p>

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
	<p>is the 2012 Energy Efficiency Directive which is transposed into UK law via a number of pieces of secondary legislation. The Directive establishes measures to help the EU reach its 20% energy efficiency target by 2020 and places a requirement on public authorities, which includes local councils, to ensure they purchase energy efficient buildings, products and services.</p> <p>In the past councils have raised concerns that such a requirement places additional costs on council procurement activity.</p>		
Waste: landfill, recycling, waste electric and	UK waste policy is	3	KCC has adopted a Minerals and

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
electronic equipment (WEEE)	<p>underpinned by EU legislation. This includes targets for recycling, waste collection and disposal.</p> <p>The key piece of EU legislation is the Waste Framework Directive which sets out key definitions and duties relating to how waste must be collected, transported, recovered and disposed of. It also introduced recycling and recovery targets to be achieved by 2020.</p> <p>The majority of EU waste management law has been transposed directly into domestic law within the UK. This means that the relevant legislation and requirements on local authorities will not be automatically or immediately affected by the UK's exit from the EU.</p> <p>The benefits of effective waste management to both the environment and the</p>		<p>Waste Local Plan 2013-2030, identifying a vision and strategy for mineral provision and waste management across the county. It also contains development management policies for evaluating minerals and waste planning applications. Sites within the district are listed.</p>

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
	economy may mean that an EU exit will not lead to a substantial change in approach from the UK Government, but some commentators have suggested that in this scenario it is likely that legislators would repeal or weaken EU requirements (for example, recycling targets) with the objective of reducing the regulatory burden on businesses. This could also lead to a change in approach to waste collection and disposal services for some local authorities, particularly if lower cost solutions (such as landfill disposal) are permitted with a relaxation of environmental protections and technical requirements.		
Transport: commissioning/franchising/concessions regimes, state aid regime, electric charging points, (HGV) road tolls, road safety, airport/airline public subsidies, passenger rights, disabled access etc.	There are EU requirements on councils in all of these areas. In addition EU financing (Connecting Europe Facility) is also available to help local authority-managed	2	Mainly a KCC responsibility; however there are impacts on our planning system when building new homes, which include new roads and managing the impact on air quality. Will

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
	infrastructure link with major road/rail corridors.		KCC have the same access to funding post Brexit? However most EU funding goes to EU countries where there is less developed infrastructure.
Employment/Workforce	The majority of legislation governing employment and employee rights in the workplace stems from EU law. Local government is a major employer, and contracts with other major employers for services such as public health and social care.	4	DEXEU have given firm commitments that employment rights will not be watered down following Brexit.
Planning	EU directives establish minimum requirements for the environmental impact assessment of projects, with the aim of ensuring a high level of protection of the environment and human health. EU directives also protect bio-diversity and wildlife etc. Local authority charges for environmental information are also governed by EU legislation.	4	Strategic Environment Assessment, Environmental Impact Assessment, Habitat Regulations Assessment - all required for local Plan, directly from EU Directives. Some concern that these may be lost, or weakened or even more difficult. We often contribute towards EU funded environmental projects undertaken by countryside partners. If EU funding is lost after Brexit then the shortfall

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
			<p>may need to be picked up by the District Council. This could run into £millions.</p> <p>Agriculture: CAP will be replaced, which may impact on the viability of land and farms in the district, and call into question their use especially when there is pressure for more homes. Whatever replaces the lost funding of the CAP (to be outlined in the Agriculture Bill due later this year) should outline how direct subsidies might work and ideally these should have a local focus with local impact in to how they are set. Strong emphasis on increased rural tourism in the district.</p> <p>Gypsy & Traveller planning applications: the equalities issues that impact on these will remain the same as we will remain the Council of Europe Members</p>
Economic development	EU state aid rules apply when councils give grants or subsidies to an organisation or	4	While this piece of legislation does not directly impact on the council, economic development

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
	<p>business: anything from supporting local Non-Governmental Organisations (NGOs) through to supporting large scale manufacturing with regional aid.</p> <p>The UK is also subject to WTO rules, which will remain in place post-Brexit.</p>		<p>is of high strategic importance to the district and to remaining financially self-sufficient (see section below on migration and access to skills).</p>
<p>Migration and access to skills</p>	<p>Government has committed to end free movement. All EU citizens in the UK at the point of leaving the EU will be able to remain but there are some sectors heavily reliant on access to flexible, low skill workers from the EU - not just agriculture.</p> <p>The construction industry is highly reliant on migrant labour; between 2007 and 2014, the proportion of EU migrants in the construction sector rose from 3.65% to 7.03%. Any restrictions on free movement could, therefore, have an adverse impact on</p>	<p>3/4</p>	<p>Migration numbers will not impact significantly on the district but it may impact on the deliverability of new homes and other capital projects due to the reliance in the construction sector on migrant labour from the EU.</p> <p>Sevenoaks has a significantly higher than average concentration of the construction industry.</p> <p>The health and social care sector is also very reliant on EU workers and while this does not impact on us as a council, it may on our residents.</p>

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
	<p>building costs and supply, at least in the short to medium term</p> <p>Health and social care sector is also heavily reliant on migrant labour.</p> <p>An FSB report, A Skilful Exit: What small firms want from Brexit, reveals that 59 per cent of small businesses with EU workers are worried about being able to access the skills they need after the UK leaves the EU.</p> <p>Across the UK, a fifth of small business employers have EU workers, with 72 per cent recruiting them when they were already living in the UK.</p>		<p>Government is consulting with over 50 industry sectors to establish their requirements for skills post-Brexit, and the Migration Advisory Committee is also looking at their role and skills requirements once free movement is ended.</p> <p>Government response to the House of Lords Agriculture Committee earlier this year indicated that they did not feel a seasonal agricultural workers scheme would be necessary but they are keeping this under review</p>
Local Government Finance	EU VAT legislation frames the VAT treatment of local authority services and activities, as well as the VAT reimbursement system in place from HMRC to councils.	3/4	A change in the rules surrounding local authorities and VAT would have a significant impact. CIPFA is working on a study of the impact on local government funding of

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
	<p>Councils will want to continue to retain any favourable VAT treatment of their services and consider options to support local communities in attaining better VAT treatment for essential goods and services.</p> <p>EU rules also apply on investments such as which financial products local authorities can invest in, and the level of expert advice they must receive before investing.</p> <p>Exposure to falls in tax revenue resulting from economic downturns would affect local government significantly post 2020, and the difficulty of forecasting may also increase, potentially making long-term financial planning trickier</p>		<p>Brexit. Our property investment strategy could be affected and therefore our financial self-sufficiency.</p> <p>However, any down turn in property prices could mean that SMEs find it easier to rent. Our Treasury Management Strategy would need to take into account any change in relation to EU Banks.</p>
Data and Public Information	The availability of public sector information and the treatment of personal data is	2	Any trade with the EU requires equivalent Data and public information regulations - this is

Service Area	Legislation Detail	Impact rating 1 - 5	Opportunities/ concerns
	all governed by EU law.		therefore unlikely to change

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Legal and Democratic Services Committee Meeting 23 January 2018

Appendix C

Brexit timetable: Key events

- Early 2018 The European Union (Withdrawal) Bill - previously referred to as the 'Great Repeal Bill' - completes its stages in Parliament and is passed.
- This transposes all EU derived law into UK law.
 Phase two is due to start in early 2018, and will look at issues such as security and nuclear programmes such as Euratom.
- Autumn 2018 Date by which the EU's chief negotiator, Michel Barnier, wants to wrap up the terms of Britain's exit from the EU. He has indicated that he would like to have an exit deal agreed within 18 months of Article 50 being triggered, or by October 2018, in order to allow for time for voting by the European Parliament and EU Council.
- Late 2018 Both Houses of Parliament have a 'deal or no deal' vote on the Brexit agreement: whether to accept a final Brexit deal or walk away from the agreement before it goes before the European Parliament.
- The European Parliament votes on the Brexit agreement by a simple majority.
- The EU Council concludes the withdrawal agreement by a super-qualified majority after receiving European Parliament consent.
- 29 March 2019 The UK is expected to leave the EU. 2 year negotiating window closes and UK ceases to be subject to EU treaties. 2 year transition period begins.
- or:
- period of negotiations can be extended if both sides agree.
- 2019 - 2021 Transition period. Trade talks continue. EU has announced that cut-off date for transition period will be 31 December 2020.
- 2021 Final ratification on trade talks

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ELECTORAL REGISTRATION AND ELECTIONS

Legal and Democratic Services Advisory Committee - 23 January 2018

Report of Chief Officer Corporate Services

Status For Information

Key Decision No

Executive Summary: This report sets out the improvements which have been made to Electoral Services for electoral registration and elections within the scope of the current legislative framework.

Further improvements will be made to enable the Council to deliver efficiencies, enhance and automate processes and further improve the service delivered to customers.

Portfolio Holder Cllr. Anna Firth

Contact Officer Nicola Fletcher, Ext. 7188

Recommendation to Legal and Democratic Services Advisory Committee:

The report be noted.

Introduction and Background

- 1 This report is provided to update Members on the progress which has been made in streamlining and improving electoral registration and election processes. Electoral registration and the running of elections is highly prescribed in various pieces of primary and secondary legislation.
- 2 In the last two years, there have been three major elections and a national referendum, namely the Police and Crime Commissioner election in May 2016, the EU Referendum in June 2016, the Kent County Council elections in May 2017 and the UK Parliamentary General Election in June 2017. Additionally, there have been a number of by-elections for county council divisions, district wards, parishes and parish wards.
- 3 Each election has seen an increase in the level of voter registration and the number of postal voters. There was a significant increase in the number of registration applications for the EU Referendum and the Parliamentary General election. The tables below provide a summary of the data for these elections.

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	EU Referendum	General Election
Registered eligible electors	87,253	88,077
Turnout	80.6%	71.8% (Sevenoaks Constituency only)
Postal voters	15,164	12,141 (Sevenoaks Constituency only)

	1 December 2015	23 June 2016	1 December 2016	8 June 2017
Registered electors	87,698	89,652	89,086	90,590

- 4 At the KCC election in May 2017 Sevenoaks completed the declarations for all its divisions second in Kent and declared its single constituency third in Kent for the Parliamentary General Election.
- 5 Each year Electoral Services is required to carry out an annual canvass between July and December which involves sending a Household Enquiry Form (HEF) to every residential property in the district. If a response is not received then up to two additional forms have to be sent and a canvasser has to make a personal visit to the property to encourage a response or collect the required information. During the 2016 annual canvass 49,946 initial HEFs were sent and this figure rose to 50,346 for the 2017 canvass. Information about the annual canvass was included in In Shape encouraging residents to confirm the details for their property.
- 6 The law requires that each year, by 31 January a notice is sent to every absent voter (postal, proxy and postal proxy voters) whose signature on the personal identifiers record is more than five years old. The notice asks that they provide a refresh signature if they wish to remain an absent voter and advised that the absent vote will be removed if they do not provide a new signature within six weeks. This process is known as refreshing absent vote signatures and in 2018, notices will be sent to over 3,000 electors where the signature is more than five years old.
- 7 A review of UK Parliamentary polling districts and polling places will be conducted in 2018 under the requirements of the Electoral Registration and Administration Act 2013. It has to be started and completed within a period of 16 months that starts on 1 October of every fifth year after 1 October

2013. There are currently 74 polling districts in the Sevenoaks District Council area and each polling district must have a designated polling place.

Electoral Registration Improvements

- 8 A range of service improvements are being delivered to help automate processes, where this is permissible under current legislation, to make efficiencies and improve customer service.
- 9 In 2016 legislation was introduced, the Representation of the People (England and Wales) (Amendment) Regulations 2016, which allowed for Invitations to Registers and application forms to be emailed to electors rather than only to be sent by post. This has been introduced by Electoral Services for certain stages of the ITR chase cycle and the result has been a reduction in print and postage costs and an increase in the number of people registering to vote online in direct response to the email. The ITR email wording is statutory and as such cannot be amended locally. ITRs and application forms cannot be emailed to all pending electors only those for whom an email address is held and we will seek to grow the number of email addresses held.
- 10 At present, all correspondence sent by Electoral Services is being reviewed to ensure that it is customer focused and delivers the key message in the most appropriate and effective way. As a part of this review, some testing will be done of different versions of the same letter type to see which version has the most positive impact. Some letters, such as the Invitation to Register letter cannot be amended because the letter is prescribed and there are some letters where the exact wording is not prescribed but the content is. The revised letters will make individuals aware of the options of electronic response methods.
- 11 During the 2017 annual canvass a test of canvassing with tablets for both HEFs and ITRs was carried out for some canvass areas. The analysis of the test was positive in terms of response rates, customer feedback and ease of use for the canvassers. Tablets will be introduced for all canvassing in early 2018. There will be an initial expenditure for the hardware and the software. However, will be a reduction on the print costs of second reminder ITRs, reduce the number of paper forms which have to be scanned and processed and increase the efficiency of the canvass.
- 12 As a part of the budget setting process, a saving of £2,000 on postage costs for Electoral Services has been identified and is being considered as part of the current budget process. This saving will be delivered by emailing more ITRs where possible and by emailing various letters to electors, such as confirmation acknowledgements, opt out acknowledgements and postal vote application forms. A system has been put in place to monitor the savings made across each type of letter as it is emailed.
- 13 Electoral Services is actively engaging with other sections and departments across the Council to enhance and improve the registration process for residents. This includes continued work on identifying new data sources to

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help identify potential electors and the information which is provided to explain the importance of registering to vote. For example, using the Electoral Commission's template public engagement resources a new infographic is being developed which will explain how and why to register. This could be made available in reception, included in other information given by the Council to new residents or handed out to individuals when they have meetings with Council Officers. Electoral Services is working more closely with the Housing Team to work with HERO officers to promote electoral registration, to offer registration assistance and for providing general information on electoral registration.

- 14 Wider engagement with various target groups is being developed and this will include closer liaison with care homes and targeting under registered groups within the district. Additionally, representatives from support groups and charities like Mencap and the RNIB will be invited in to discuss with officers the registration process and any support or resources which could be offered by Electoral Services.
- 15 A number of small scale office based improvements have been made to help improve efficiency and accuracy of the service, examples of this include a revised procedure for parish council vacancies, a dedicated receipt book for electoral documents handed in to reception, the purchase of barcode label machines for registration documents and additional scanners have been installed to enable every team member to be able to scan returned forms and applications. Electoral Services calls are now managed through NetCall which has helped to improve customer service levels and to provide information if an issue requires further investigation.

Election Improvements

- 16 Under current legislation there is limited scope to change the way that elections are administered but there are a number of internal changes which have been made to deliver efficiencies.
- 17 For each national election, Electoral Services recruits and trains in excess of 400 staff to work on polling day, at the count and at postal vote openings. The process for recruiting and allocating election staff has been modernised with the majority of staffing letters now being sent by email with an option of accepting or declining a job electronically. There are a small number of letters which still have to be sent by post because the individual does not have an email address. Emailing letters has seen a reduction in print and postage costs and for quicker responses to role allocations which was especially useful for the snap Parliamentary General election in June 2017. This method for staffing will continue to be used for future elections.
- 18 Poll staff training is being reviewed before each election and incremental changes are being made to improve this. Some of the changes include offering a session on a Saturday morning, delivering separate training for new staff and for returning staff and encouraging more interactions and discussions during the training.

- 19 The materials that are provided to polling stations are, within the legislative framework, being reviewed and improved. Bespoke election materials and paperwork are now provided by an external provider. Documents produced in-house are being consolidated to try to reduce the amount of paperwork which is completed by Presiding Officers, such as combining logs and questionnaires.
- 20 Improvements have been made to the way that the results of elections counts are recorded so paperwork required for the count process is produced automatically and real time updates of the progress and results of the count can be made available for attendees.
- 21 Tests are currently being undertaken to determine the quickest and most accurate method for counting multiple member seats in preparation for the District and Parish elections in 2019.
- 22 At the recent Penshurst, Fordcombe and Chiddingstone by-election in August 2017 remote scanning of postal vote statements at the final postal vote opening session at the count was trailed. There were no issues during this trial and further tests will be done at any future by-elections with a view to remote scanning being used for the District and Parish elections in 2019.

Future Improvements

- 23 There are still further improvements and ideas which can be implemented and this will be developed during 2018.
- 24 It is planned to hold an open morning in early 2018 to increase awareness and interest in the jobs which are available on polling day. Alongside this, the option of working part time on polling day, for example an early shift from 6.30am to 2.30pm and a late shift from 2.30pm to 10.30pm for poll clerks will be investigated. It is hoped that this will encourage more people to want to work on elections as they would not have to commit to a full day from 6.30am to 10.30pm.
- 25 A video for poll staff training will be created which will show examples of how to set up a polling station and cover typical scenarios.
- 26 The features available in the electoral software system will be further used to automate more processes such as importing lists of empty properties and new properties which will help improve the accuracy of the register and reduce time inputting data.
- 27 In February a Household Notification Letter (HNL) will be sent to all the residential properties which did not respond to a HEF and it is hoped that this will help to improve the accuracy and completeness of the Electoral Register.

Potential National and Legislative Developments

- 28 The Law Commission is now working on bringing forward a number of reforms using secondary legislation, such as consolidating statutory instruments. Consideration is still being given to how and when changes to primary legislation can be made.
- 29 The Government has issued a policy paper which explains its approach to removing the 15 year registration rule for British citizens living overseas voting in Parliamentary elections.
- 30 The Minister for the Constitution has made a statement on anonymous registration and the Government is considering the procedure for some individuals who would register as anonymous electors.
- 31 During the 2017 annual canvass, 21 local authorities took part in pilots trialling different models for canvassing across the UK. It was anticipated that the pilot process would save between £1.2 million and £1.7 million across the 21 local authorities and if the changes were made permanent and rolled out nationally it could result in an annual saving of £20 million per year. It was also hoped that the changes and flexibility would allow local authorities to increase registration levels by better targeting those who do not usually respond during the canvass. The analysis of these pilots is awaited.
- 32 At the local elections in May 2018, voter ID pilots will be taking place in five local authority areas and there will be a separate postal voting pilot taking place at Tower Hamlets. The form of the ID will be set by the councils but it will include photo ID and non-photo ID to see which is the most effective and efficient. Voter ID was raised in the report on voting and fraud by Sir Eric Pickles and the Electoral Commission has recommended since 2014 that an accessible, proportionate voter identification scheme should be introduced in Great Britain. At this point in time the Government has ruled out any move to electronic voting in the UK.

Other Options Considered and/or Rejected

None

Key Implications

Financial

The action plan that has been set out for improvements to the elections service is based on a fully resourced team being able to deliver the daily requirements on the service, preparation for elections and having the capacity to deliver service improvements.

A budgetary saving of £2000 on postage has been identified for Electoral Services and can be delivered, subject to Members agreeing this saving in the Budget.

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Legal & Democratic Advisory Committee Work Plan 2016/17 (as at 21/12/17)

23 January 2018	20 March 2018	28 June 2018	4 October 2018
Brexit - Challenges and opportunities for Sevenoaks District Electoral Registration and Elections	Elections Youth Registration project Equalities Action plan update Quercus 7 update on activities		

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