

**28 June 2018 at 7.00 pm**

**Conference Room, Argyle Road, Sevenoaks  
Despatched: 20.06.18**



# **Legal & Democratic Services Advisory Committee**

## **Membership:**

Cllrs. Abraham, Barnes, Bosley, Coleman, Eyre, Firth, Halford, Mrs. Hunter, Lake, McGarvey, Pett 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.

|  | <b>Pages</b>    | <b>Contact</b>                     |
|--|-----------------|------------------------------------|
| <b>Apologies for Absence</b>   |                 |                                    |
| <b>1. Appointment of Chairman</b>  |                 |                                    |
| <b>2. Appointment of Vice Chairman</b>   |                 |                                    |
| <b>3. Minutes</b><br>To agree the Minutes of the meeting held on 20 March 2018, as a correct record. | (Pages 1 - 4)   |                                    |
| <b>4. Declarations of Interest</b><br>Any interests not already registered.                          |                 |                                    |
| <b>5. Actions from Previous Meeting (if any)</b>   |                 |                                    |
| <b>6. Update from Portfolio Holder</b>   |                 | Cllr. Firth                        |
| <b>7. Referrals from Cabinet or the Audit Committee (if any)</b>                                     |                 |                                    |
| <b>8. Affordable Housing Company - Update</b>  | (Pages 5 - 12)  | Lesley Bowles<br>Tel: 01732 227335 |
| <b>9. Equalities Action Plan</b>   | (Pages 13 - 20) | Lee Banks<br>Tel: 01732 227161     |
| <b>10. Brexit Update</b>   | (Pages 21 - 26) | Lee Banks<br>Tel: 01732 227161     |

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|---|-----------------|--|
| 11. <b>Licensing and How It Impacts Public Health</b> | (Pages 27 - 30) | Sharon Bamborough<br>Tel: 01732227325    |
| 12. <b>National Democracy Week - update</b>           | (Pages 31 - 32) | Jim Carrington-West<br>Tel: 01732 227286 |
| 13. <b>Work Plan</b>                                  | (Pages 33 - 34) |  |

#### **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](mailto:democratic.services@sevenoaks.gov.uk).

**LEGAL & DEMOCRATIC SERVICES ADVISORY COMMITTEE**

Minutes of the meeting held on 20 March 2018 commencing at 7.00 pm

Present: Cllr. Firth (Chairman)

Cllrs. Barnes, Dr. Canet, Dyball, Eyre, Halford, Mrs. Hunter, McGarvey and Raikes

Apologies for absence were received from Cllrs. Bosley, Lake and Pett

31. Minutes

Resolved: That the minutes of the meeting of the Committee held on 23 January 2018 be approved and signed by the Chairman as a correct record.

32. Declarations of Interest

Cllr Firth declared for transparency as it was not yet registered, that she was as a trustee of West Kent Mind. There were no additional declarations of interest.

33. Actions from Previous Meeting

There were none.

34. Update from Portfolio Holder

The Portfolio Holder, and Chairman, allowed reading time for her report which had been circulated earlier that day. She corrected her report that the next training session would actually be Development Management prior to Planning Advisory Committee on 25 April 2018, which was confirmed by the Chairman of the Planning Advisory Committee.

The Portfolio Holder also highlighted the Civic Office of the Year Award 2018 recently received by the Democratic Services team for their work supporting the Council's Chairman, and asked the Committee to join her in expressing their appreciation to the Democratic Services team and colleagues for their achievement.

The Portfolio Holder then highlighted that the Government had recently announced that the inaugural National Democracy Week due to take place from 2 - 8 July 2018 to promote democratic engagement and inclusion in the democratic process. Central Government would like to see at least one event take place in every local authority across the Country to promote the importance of electoral registration and for as many Members of Parliament and local Councillors to speak in Schools - perhaps on the Friday when Members of Parliament are in their Constituencies. The Portfolio Holder asked for ideas and Members suggested a few contacts.

## Agenda Item 3

### Legal & Democratic Services Advisory Committee - 20 March 2018

#### 35. Referrals from Cabinet or the Audit Committee

There were none.

#### 36. Voter registration and engagement

The Electoral Services Manager presented the report which set out the current proposed plan for encouraging electoral registration and elector engagement in the electoral process and outlined some of the activities which would be undertaken.

In response to questions the Electoral Services Manager advised that letters would continue to be modified, where legislation allowed, to deliver the most appropriate message and call to action for residents. A recent successful example of this has been the review letter testing where three revised legislatively compliant and more customer focused letters were sent out. There has been no adverse feedback from any of the three versions. Members thought it would be useful to have a standard covering letter, and maybe a Frequently Asked questions (FAQ) sheet.

*Action 1: Committee to be circulated samples to demonstrate the approach taken.*

It was recommended that the Access Group be liaised with regards to the letters and envelopes where appropriate.

The Chairman advised that she wished to see an active social media registration campaign with active use of the platforms such as Instagram, Facebook and Twitter and suggested looking at authorities who had done similar things.

Resolved: That the report be noted.

#### 37. Equalities Action plan update

The Head of Transformation and Strategy presented the report which provided a summary of progress against the actions set out by Members at their meeting in June 2017.

The Chairman was disappointed that more progress had not been made with the Sevenoaks Trusted Friend engagement scheme, and wished to know whether it was achievable. She had envisaged a register of people who acted as 'trusted friends' who could be contacted and consulted on their needs. Members discussed different ways this could be achieved, and it was agreed that the Head of Transformation and Strategy would speak with the Contact Centre to see if there were a way of accumulating the data at first point of contact; and to the Chairman of the Access Group about having it added to the Access Group's agenda. This could then be revisited and Members could discuss the viability at a future meeting.

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**Legal & Democratic Services Advisory Committee - 20 March 2018**

The Portfolio Holder noted that, apart from the Trusted Friend scheme considerable progress had been made against the 5 new actions suggested by the Committee at the June 2017 meeting. 3 out of 5 had already been achieved in full including two new well-being walks with a third one planned in Swanley to make walking accessible even to the old, infirm, post-operative and lonely.

Resolved: That the progress made against the Council's Equalities actions in 2017-18 be noted.

**38. Brexit Update**

The Head of Transformation and Strategy presented the report which gave an update on the work of the Portfolio Holder and Officers on measuring the impact of Brexit on the council which Members discussed.

Resolved: That the report be noted.

**39. Work Plan**

The work plan was noted with the following additions:

**28 June 2018**

Equality Action Plan  
Update on National Democracy Week  
Licensing contribution to health  
Brexit Update (to be a standing item)

**4 October 2018**

Shared Services Update  
SCIAAs  
Brexit Update  
Update on GDPR

**19 March 2019**

Brexit Update.

**THE MEETING WAS CONCLUDED AT 9.03 PM**

**CHAIRMAN**

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## AFFORDABLE HOUSING COMPANY - UPDATE

### Legal & Democratic Services Advisory Committee - 28 June 2018

Report of Chief Officer Communities & Business

Status For information

Key Decision No

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**Executive Summary:** This report updates Members on the setting up of an Affordable Housing Company.

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**This report supports the Key Aim of the Community Plan to deliver Caring Communities and a Sustainable Economy.**

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Portfolio Holder Cllr. Anna Firth

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Contact Officers Lesley Bowles, Ext. 7430  
Adrian Rowbotham, Ext. 7153  
Martin Goodman, Ext. 7245

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**Recommendation to Legal & Democratic Services Advisory Committee:**

To note the report.

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**Reason for recommendation:** This is to update Members on the incorporation of an Affordable Housing Company as agreed by Council at its meeting on 21 November 2017.

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**Introduction and Background**

- 1 A report to Council on 21 November 2017 agreed that subject to a sound case being established, the Head of Legal and Democratic Services was authorised to incorporate a stand alone Affordable Housing Company first taking detailed advice from specialist external lawyers on the delivery model and set up process.
- 2 Council noted the broad governance and funding arrangements set out in the report. It also noted that expert external advice to develop the business case had been commissioned.
- 3 Council gave delegated authority to the Portfolio Holders for Finance, Housing & Health and Legal & Democratic Services in consultation with the

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Chief Executive, Chief Finance Officer and Head of Legal & Democratic Services to settle the detailed arrangements for the establishment of the company.

- 4 The decision was made by Council in order to enable Officers to pursue Members' ambition for the Council to develop its own affordable housing within the District through an Affordable Housing Company, which is wholly owned by this Council.

### The Business Case

- 5 On 14 December 2017, a special meeting of the Legal & Democratic Services Advisory Committee was called to consider the commissioned business case, which was appended to the 14 December report. It included a short options appraisal, a viability analysis and advice about governance, funding, land and a risk appraisal. Mark Baigent, the consultant, was present at the meeting in order to present his business case and answer any questions.
- 6 The consultant had considered various investment options including varying levels of S106 grant and land subsidy. The business case showed that two options could be viable, Option A, which included a 66% S106 grant and receiving land at nil value, and Option G which included a 100% grant from S106 funds but paying full land value. The assumptions for all of the options included a land value of £1m and development costs of £2m to provide 10 x 2 bedroom homes.
- 7 The Chairman recommended Option G as the option to pursue as the least risky and most viable. The Portfolio Holder for Finance agreed that it was the safer option.
- 8 Option G showed that, based on the assumptions in paragraph 6 above, the cumulative surplus on the scheme would be £3.28m by the end of 40 years. Annual surpluses increased throughout the 40 year period. The income for Year 1 would be £71,725 with management and maintenance costs of £17,500, giving a Year 1 surplus of £54,225. When looking at the company running costs for Quercus 7, it seemed likely that these could amount to as much as £100k in the first year, which would mean that the company would not be viable based on these assumptions.
- 9 Members asked for clarification as to whether s106 monies could be used for the administrative costs and that the consultant remodel Option G based on a £5million investment, rather than a £3million investment.

### Subsequent activity:

At a meeting of the Portfolio Holders and Officers with delegated powers to deal with the detailed arrangements of the setting up of the company held on 19 December 2017 additional actions were agreed as follows:

10 The consultant was asked:

- a) To remodel Option G with expenditure of £5 million and £6 million on the basis that this would bring a higher surplus and potentially cover the company running costs;
- b) How we might deal with end of life replacement costs;
- c) Whether s106 monies might be used to assist the company running costs.

11 In response to questions a, b and c above, the consultant advised:

- a) **Increasing the investment** - 'Option G5 assumes we can deliver 17 homes for £5m, at a slightly lower unit cost of £294,000 per home. This option gives a Year 1 surplus of £92k and a 40 year cumulative surplus of £5.6m.'

'Option G6 is simply doubling the original numbers, i.e. 20 homes for £6m, the same unit cost of £300,000 per home. This option gives a Year 1 surplus of £108k and a 40 year cumulative surplus of £6.5m.'

Mark Baigent advised that we would 'need to deduct company running costs which he estimates could be kept to £50k per year, provided there is not much abortive work on design and planning applications for sites that do not progress into development.' He advised that the AHC could 'comfortably run the company on the basis of both these scaled up options'. He also advised that 'further investment of s106 funds in future should generate further surpluses without increasing the company running costs substantially.'

- b) **End of life replacement** - 'In terms of replacement of homes after their design life expires, the industry standard is a minimum 60 year lifespan. At that stage, the company would already hold the freehold of the land so need to fund only the redevelopment costs (demolition and rebuilding). Assuming no grant would be available, these costs would need to be met by a mix of accumulated surpluses and debt finance.'

'In Option G6 (paragraph 4a above), if the model is extended over 60 years, then the cumulative surplus reaches £12.8m in Year 60. If the replacement cost is also inflated by 2% pa, then by Year 60 the cost of building 20 homes increases from £4m now to almost £13m in Year 60.'

Mark Baigent continued 'So in principle the cumulative surplus would virtually cover the replacement costs in Year 60 without much need for debt funding. However, if half the surplus each year goes into running the company, the cumulative surplus in Year 60 will meet less than half the replacement costs and so debt funding will be needed, paid for from rent income over Year 60 to Year 100.'

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'In relation to asset value, if the homes are valued at cost (i.e. land value plus build cost) and then asset value is also inflated by 2% pa, then by Year 60 the 20 homes have increased in value from £6m now to over £19m in Year 60. However, if the s106 agreement constitutes a commitment to provide affordable homes in perpetuity, then there is no real prospect of the company (or the Council) liquidating this asset. It could be sold to another affordable housing provider, but that sale would most likely be at EUSH (Existing Use - Social Housing) valuation rather than open market value.'

- c **Use of S106 to fund company costs** - 'If the s106 agreement does not specify use for capital costs of new homes then using s106 cash in lieu to finance company revenue costs and overheads is fine.' An action was also agreed to **model a potential affordable and market housing project using land in Sevenoaks**, which it was thought may become available in the future. Advice was sought from RPC Land.

- RPC Land advised that in order to achieve the land value of £2million, the tenure mix would need to be revised to include 4 x shared ownership flats, 6 x affordable rent flats and 14 x market rent flats. They also set out suggested build costs, contingency, demolition, profit etc. and that the total GDV would be £7.175million.
- This information was passed to Mark Baigent to ask him to use it to model the development and he has produced an addendum to his original business plan which is set out at Appendix A.
- This model (Option Gm) looks at the development as a whole but focuses on the affordable element for the purposes of forecasting AHC income and expenditure. It includes AHC running costs (£50k in the first year) in addition to Management and Maintenance costs. The model shows that in Year 1 there would be a surplus of £19,710 and a surplus over 40 years of £1.2million. Mark Baigent suggests that there are benefits to a mixed tenure development with the AHC buying 'off plan' from the developer, who could be Quercus 7.

- 12 A further action was agreed to investigate if there is likely to be a **demand for Right to Buy** if Government changes the legislation so that it affects the AHC.

- West Kent housing association advised that they sold 4 homes in 2017. However, currently they can only sell properties that were in place at the time of the transfer and only to tenants who had those rights at the time of the stock transfer. This is therefore not a good indicator of future demand for newly-built properties. The Council's Housing Policy Manager's view was that it is impossible to predict the levels of interest at this stage. Members felt that the high cost of housing in Sevenoaks District would minimise the number of properties being bought under Right to Buy.

- 13 A further action was agreed to **check void percentage rates locally**
- West Kent housing association void rates are between 1% and 2% but they advise that for a smaller company you would normally plan for 5% (which is the percentage that Mark Baigent used in his model). The Council's Housing Policy Manager's view is that 5% may be higher than needed for an AHC in our district because demand for housing is high.
- 14 A further action was agreed to **check company running costs** - with variations, e.g. with one 1 large purchase in Year 1 and minimal activity thereafter and with some activity every 3 years.

Please see calculations at Appendix B

#### **Sound business case**

- 15 The responses to the additional questions and actions were considered at a meeting on 6 April of those Portfolio Holders and Officers with delegated authority to act and it was decided at there was a sound business case and that the company should therefore be incorporated according to the Council decision.

#### **Incorporation**

- 16 The Council's affordable housing company (Quercus Housing Limited) was incorporated on 13 April 2018. In all material matters the intention is for the Company to follow the governance structure of the Council's trading company Quercus 7 Limited. In particular, on 6 April 2017 the relevant Portfolio Holders agreed that the Directors of both Companies should be the same (subject to an agreement to act being forthcoming from the non-executive Directors). However, it should be noted that there is one material difference between the two companies in that the new Company is limited by guarantee rather than by shares.
- 17 The Council is Guarantor of the Company in the sum of £1 and has entered into a Guarantor's Agreement. This agreement reflects the provisions of the Quercus 7 Limited Shareholder Agreement but has been refreshed to omit any inapplicable terms or clauses.
- 18 The Company will report to the Cabinet, sitting not as part of the Council but as a Guarantor Board, on a quarterly basis. All Members of the Council will be entitled to attend the Company AGM, where they may question the Board of Directors and pass resolutions. By matching the procedures and processes of Quercus 7 Limited it is very much hoped that the Company will be able to act in the most efficient and cost-effective manner possible.
- 19 The Guarantor's Agreement is separate to the Articles of Association and does not have to be registered at Companies House. The Guarantor's Agreement regulates the relationship between the Council and the Company and gives rights and obligations that would not normally be put into the

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Articles. All relevant documents to the incorporation of the Company, along with a copy of the Guarantor's Agreement, are appended to this report.

### Key Implications

#### Financial

The cost of specialist external advice and the costs of setting up the company have been met from existing budgets.

It will be necessary for Quercus Housing Limited to pay the Council for the use of its resources (including officers) and to pay the non-executive directors. These costs will need to be met through the trading activities of the Company.

The activities of Quercus Housing Limited will be funded from S106 funds.

#### Legal Implications and Risk Assessment Statement.

Legal implications are considered throughout the report. Members are referred to the Risk Assessment Statement accompanying the report to Council of 21 November 2017, replicated below for ease of reference. It should be noted that those risks associated with not setting up the Company are of course now inapplicable. Other risks have been assessed as remaining the same.

Risks are scored from 1 (a low impact / likelihood) to 5 (a high impact / likelihood)

| Risk  | Likeli-hood | Impact | Total       | Comments and controls   |
|---|-------------|--------|-------------|---|
| Failure to set up a company in strict compliance with legislation | 1           | 4      | 4<br>Low    | Extensive consultation with other authorities and appropriate external advice on governance arrangements                    |
| Acting ultra vires  | 1           | 2      | 2<br>Low    | Every new activity via the company to consider statutory obligations  |
| Failure to comply with taxation laws - corporation tax & VAT      | 2           | 3      | 6<br>Medium | External advice sought in relation to taxation  |
| Possibility of challenge to state aid                             | 1           | 2      | 2<br>Low    | Obtain full cost recovery and any loan given to the Company to be set at commercial lending rates, subject to expert advice |

|  |   |   |              |  |
|--|---|---|--------------|--|
| Inability to find sites in the parts of the District where there is an identified need | 2 | 1 | 2<br>Low     | Proactively search for property where there is an identified need, either geographically or by type of property, or where this frees up property where there is a proven need.                                       |
| Available funding to incorporate an affordable housing company                         | 2 | 3 | 6<br>Medium  | Report to Members requests approval of a budget to enable the company to be incorporated   |
| Available expertise to incorporate an affordable housing company                       | 3 | 4 | 12<br>Medium | Plans in place to procure the expert advice required to incorporate the company  |
| Availability of land to enable the construction of affordable housing                  | 4 | 4 | 16<br>High   | The Council has limited land in its ownership for the delivery of affordable housing. Business case proposed to evaluate maximising potential of existing sites.   |
| Availability of finance to invest in the construction of affordable housing            | 4 | 4 | 16<br>High   | Current assumptions are limited to the use of S106 contributions to enable affordable housing development. Business case proposed to assess financial sources and implications.                                      |
| Inability to meet revenue costs of managing affordable housing from trading activity   | 4 | 4 | 16<br>High   | Providing affordable housing is not a profit making activity and the Council does not have in-house expertise to manage housing stock. Business case proposed to assess and evaluate costs and models of management. |
| Failure to deliver community benefit from the trading activities                       | 2 | 2 | 4<br>Low     | The provision of affordable housing in the District will address a proven need and benefit low income families seeking to live in the District.  |

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| Adverse impact on the local housing market | 2 | 2 | 4<br>Low | Current projections of housing delivery not expected to have a detrimental impact on the local housing market |
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### 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

- 20 The incorporation of the company is based on a sound business case and will enable the Council to respond to Members' ambition for the Council to develop its own affordable housing within the District through an Affordable Housing Company, which is wholly owned by this Council.

|            |   |
|------------|---|
| Appendices | Appendix A - Business case<br><br>Appendix B - Estimated Company Running Costs<br><br>Appendix C - Certificate of Incorporation<br><br>Appendix D - Articles of Association<br><br>Appendix E - Memorandum of Association<br><br>Appendix F - Guarantor's Agreement |
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|                   |      |
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| Background Papers | None |
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### Lesley Bowles

Chief Officer, Communities & Business

## EQUALITY ACTION PLAN

### Legal & Democratic Services Advisory Committee - 28 June 2018

Report of Chief Executive

Status For Consideration

Key Decision No

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**Executive Summary:** Public authorities are required to prepare and publish equality objectives at least every four years. The Council's current equality policy statement and objectives for 2016-2020, which reflects priorities identified from a Members' Equality Action Plan workshop, was adopted by Cabinet in April 2016. This report provides a summary of progress against the actions set out in the policy over the last year and seeks Members views on priorities for the coming year.

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Portfolio Holder Cllr. Anna Firth

Contact Officer Lee Banks, Ext 7161

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#### Recommendation to Legal and Democratic Services Advisory Committee:

- (a) Note the progress made against the Council's Equality Objectives in 2017-18; and
  - (b) Advise officers on any priorities for action in 2018-19.
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**Reason for recommendation:** To comply with the Council's obligations under the Equality Act (2010), based on Members' priorities.

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#### Introduction and Background

- 1 The Equality Act (2010) sets out a 'Public Sector Equality Duty' which requires public authorities to have 'due regard' to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their day to day work - in shaping policy, in delivering services and in relation to their own employees.
- 2 As part of the duty, public authorities are required to prepare and publish one or more objectives and review these at least every four years. Public authorities are also required to publish information to demonstrate how they are complying with the duty.
- 3 The approval of an equality policy statement and objectives is within the Council's policy framework and is a matter for Cabinet. The Council has a strong record of ensuring its services are responsive to the needs of residents

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and customers, whilst taking a proportionate response to implementing equalities legislation. The Council's current equality policy statement and objectives for 2016-2020, which reflects priorities identified from a Members' Equality Action Plan workshop, was adopted by Cabinet in April 2016.

### Equality Policy Statement and Objectives 2016-2020

- 4 The Council continues to take a proportionate approach to responding to its duties under the Equality Act (2010), reflecting the demographics of its communities.
- 5 Public authorities are required to consider what they can do to eliminate discrimination, advance equality of opportunity, and foster good relations. The Equality Act (2010) sets out the nine protected characteristics of age, disability<sup>1</sup>, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex (gender) and sexual orientation.
- 6 The Council's Equality Policy Statement sets out five equality objectives relating to its roles as a community leader, service provider and employer. The objectives relate to the protected characteristics of disability, age and sex (gender) to reflect the priorities identified in a Member workshop and broadly focus on catering for the needs of an ageing population. These are:
  - i. To advance equality of opportunity by seeking to remove barriers to people with disabilities, and their carers, to participate in community life.
  - ii. To foster good relations by promoting understanding of issues affecting people with disabilities and older people.
  - iii. To advance equality of opportunity by improving access to leisure facilities, health activities and other services for people with disabilities, younger and older age groups and men and women.
  - iv. To advance equality of opportunity by investigating whether we can improve access to information about our services for people with disabilities and across different age groups.
  - v. To advance equality of opportunity by encouraging a broader range of people to apply for Council vacancies including apprenticeships and increase transparency around pay, including the living wage and gender pay gap.

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<sup>1</sup> You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

- 7 Information gathered through the Community Plan consultation and Member workshop did not identify any specific measurable outcomes relating to the protected characteristics of gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief or sexual orientation. However, the Community Plan includes an equality and inclusion statement in relation to all protected characteristics and we will continue to consider the impact of our decisions on all relevant protected characteristics.
- 8 In addition to the proposed objectives, the Council has continued to monitor the services it provides and keeps projects under review to determine if further equality objectives need to be set.

#### **Progress 2017-2018**

- 9 In response to the Equality Policy Statement and Objectives 2016-2020 published in April 2016 the Council set out an action plan to deliver on its objectives. Examples of progress over the last year, are provided below.
- 10 As a community leader:
  - Continued to support Dementia Friendly Communities and raise awareness of dementia on local families. In addition to training staff and taxi drivers to be dementia friends the Council organised the very first Run, Walk, Push for Dementia event in Knole Park. In 2017-18 the event raised £4,500 for the Sevenoaks Area Dementia Friendly Community and the Council provided its support to the second Run, Walk, Push event which took place in May 2018.
  - In 2017/18, the voluntary organisations funded by the Council's Community Grant scheme supported 215,666 volunteer hours, which represented an economic benefit to the District of £2.69million.
  - In March 2018 the Council approved grant awards totalling £153k to support organisations that provide services across the District. In 2018-19 this will support activities including services maintaining independent living and elderly support, a weekly youth club, sporting activities, volunteer development, skills development and support for young people that are not employed, in education or training and community transport services.
  - Through the Better Care Fund the Council has awarded over £18,000 to a project for new mums who need extra support with breastfeeding and funded Age UK Sevenoaks and Tonbridge have been given almost £40,000 to fund their 'Pop-Up Pop-Ins' project, helping older people across the District facing loneliness and isolation.
  - Through the Local Plan process undertaken an assessment of Gypsy and Traveller Accommodation and commenced an Open Space, Sports and Leisure Study.

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- In July 2017 the Council adopted its new Housing Strategy, based on the evidence compiled from the local housing need study. The Housing Strategy, entitled ‘Wellbeing Starts at Home’ sets three strategic housing priorities for the District. These are to provide a good mix of decent and affordable housing across tenures; to improve the quality and use of the existing housing stock; and to meet the needs of vulnerable and low-income households.
- Continued to provide for health walks from eight locations across the District and offered support to two new health walks. The first ‘Every Step Counts’ walk began in Otford in September 2017, with walk leaders Cllr Anna Firth, Jo Kingston and Irene Collins. The second new walk takes place in West Kingsdown and was launched in January 2018.
- Provided family fun days in locations across the District with almost 2,000 attendances by young people.
- Supported the launch of the Digital Sunset Challenge, taking it to 18 schools across the District.
- Presented award to recognise the fantastic contribution made to the Sevenoaks District by volunteers and community groups. For the third year the Council’s ‘Making it Happen’ Awards recognised the achievements of 10 winners, with Sevenoaks Community First Responders named Charity of the Year. Our next Community Awards will also recognise Carer of the Year and Equalities Champion of the Year for the very first time.

### 11 As a service provider:

- Introduced the ‘One You’ service. ‘One You’ support adults, particularly those aged between 40 and 60, to take control of their health to enjoy the benefits both now and in later life. Services include exercise classes, healthy eating courses, courses to help reduce alcohol intake, support to quit smoking, weight loss courses, local health walks and personalised health trainers.
- Extending the service, the ‘One You, Your Home’ Adviser works with older people identified by a GP Surgery in Edenbridge. The service provides a holistic assessment for home adaptations, and access to Better Care Fund resources to assist with housing needs.
- Introduced the HandyHERO service, providing a fast response to make straightforward adaptations in residents’ homes to enable them to be discharged from hospital more quickly.
- The Council has continued to successfully support families across the District with disabled facilities grants to the value of £700k, supporting people to adapt their homes and live more independently.

The scheme has been reviewed this year to make access to grant funding more accessible to more families in need.

- The new Housing Assistance Policy places an emphasis on speeding up the Disabled Facility Grant process, making the scheme more accessible and assisting in accelerated hospital discharge because of housing issues and providing financial assistance in preventive measures.
- Incorporated an Affordable Housing Company to enable the development of affordable homes in the District.
- Consulted on a review of the Housing Allocations Policy, with the findings to be reported during 2018.
- Adopted a new Homelessness Strategy and implemented new procedures to provide more support to those faced with homelessness in accordance with the Homelessness Reduction Act.
- Taken measures within our taxi licensing policy to improve the proportion of licensed vehicles that are accessible to people with disabilities.
- Made improvements to our polling stations for disabled people and for people who have visual impairments.
- Reviewed our local council tax support scheme, ensuring protections remain for those in most need and increased the level of support provided through discretionary housing payments.

### 12 As an employer:

- Reviewed our policies, including lone working, safeguarding and dignity at work, and assessed them to ensure they are implemented consistently and fairly.
- Adopted a policy in response to the Apprenticeship Levy and appointed two new apprentices during the year.
- Calculated and evaluated the Council's performance in respect of the gender pay gap, in accordance with the Government's Gender Pay Gap Reporting regulations.
- Our mean pay gap shows that male employees are paid on average 6.5% more than female employees. This is explained by the greater proportion of male employees that currently hold posts in the upper and middle upper quartiles of the pay bands.
- Our median pay gap shows that female employees are paid on average 1% more than male employees. This is explained by the greater

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proportion of male employees that currently hold posts in the lower quartile of the pay bands.

- All employees are paid in accordance with the National Joint Council terms, conditions and pay scales. This means that every job role at the Council is subject to job evaluation to ensure the pay for that role is fair, regardless of the gender of the post holder.

### Actions for 2018-2019

- 13 The Council is determined to continue to meet the objectives it has set out in its Equality Policy and Objectives. To this end it is important that there is clarity about the actions we will take and information and data we will collect in the coming year. This may include reviewing, amending or adding objectives to reflect any change in local priorities since the Policy was adopted in April 2016.
- 14 In 2018-19 the Council is seeking to:
  - Complete a review of its polling places.
  - Encourage increased voter registration.
  - Deliver a new Housing Allocations Policy.
  - Consult on the Draft Local Plan and progress to examination.
  - Undertake a comprehensive review of the local council tax support scheme.
  - To review its approach to service delivery, with a greater focus on the customer, resulting in more queries answered at the first point of contact.
  - Improve and develop new online services for those customers that wish to self-serve.
  - To work more closely with the Access Group to improve Council services and access to information.
- 15 Members' views are welcome on their priorities for the Council to address in its action plan for the coming year.

### Other Options Considered and/or Rejected

- 16 All public authorities are required to comply with the Equality Act 2010. If we do not publish equality objectives we will not be able to demonstrate what steps we are taking to tackle the inequalities faced by our residents and action may be taken against the Council by the Equality and Human Rights Commission.

- 17 Adoption of a policy statement and objectives ensures we focus our resources on tackling inequalities within the context of our local priorities and demographics of our population. The Equality Policy Statement and Objectives document can be reviewed annually, in line with annual performance reporting, to amend or add any objectives as required and to reflect any changes in local priorities

### **Key Implications**

#### Financial

- 18 Understanding the needs of people with protected characteristics under the Equality Act (2010) will assist the Council in allocating resources to areas or services where it is considered to be a greater priority.

#### Legal Implications and Risk Assessment Statement.

- 19 The Council is required to comply with the Equality Act 2010. Failure to do so may result in the Council not being able to demonstrate what steps it is taking to tackle inequalities and action being taken by the Equality and Human Rights Commission.

#### Equality Assessment

- 20 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. This report sets our objectives for addressing key areas of discrimination and disadvantage from 2016 to 2020.

### **Conclusions**

- 21 This report sets out the progress the Council has made in delivering actions against its Equality Policy and Objectives during 2017-18 and sets out some of the Council's priorities for addressing areas of discrimination and disadvantage over the year, to demonstrate compliance with the Equality Act (2010).

**Appendices**                  None.

**Background  
Papers**                  **Equality Policy Statement and Objectives**  
[https://www.sevenoaks.gov.uk/downloads/file/753/our\\_equality\\_policy\\_statement\\_and\\_objectives\\_for\\_2016-2020](https://www.sevenoaks.gov.uk/downloads/file/753/our_equality_policy_statement_and_objectives_for_2016-2020)

## **Agenda Item 9**

**Community Grant Scheme awards for 2018-19**

<http://cds.sevenoaks.gov.uk/documents/s33657/06%20Appendix%20C.pdf?J=1>

**Dr. Pav Ramewal  
Chief Executive**

## BREXIT UPDATE

### Legal And Democratic Services Advisory Committee - 28 June 2018

Report of Chief Executive

Status For information

Key Decision No

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Portfolio Holder Cllr. Anna Firth

Contact Officer Margaret Carr, Ext. 7341

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#### **Recommendation to Legal and Democratic Services Advisory Committee:**

The contents of the report are noted.

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**Reason for recommendation:** Assessing the impact of Brexit on the Council is part of an on-going role for the Chairman of the Legal and Democratic Services Advisory Committee and supports Members in identifying any preparation that might be necessary to meet the challenges and opportunities ahead.

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#### **Introduction and Background**

- 1 This report updates Members on the latest events in relation to the UK Government's preparations for Brexit, the work of the LGA and on a short survey of Sevenoaks businesses.
- 2 Members will recall that this is the third update provided to this Committee on Brexit, in addition to a presentation from Professor Amelia Hadfield at the meeting on 23 January and a report to the meeting held on 20 March.
- 3 This report updates Members of the Legal and Democratic Advisory Services Committee on further activity since that meeting

#### **Update on UK Government negotiations**

- 4 The UK-EU negotiations are continuing ahead of the EU leaders' summit in June. The talks are focusing on three key topics: outstanding aspects of the withdrawal agreement, the Irish/Northern Irish border and UK-EU relations (including trade) post-Brexit. The Secretary of State, David Davis, in evidence to the Exiting the European Union Select Committee on 25 April, commented that MPs would receive details of the Withdrawal Agreement and have an opportunity to table amendments in advance of a "meaningful parliamentary vote". By October there would not be a legal text but there

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would be a detailed politically binding agreement, with the aim of a formal trade treaty by March 2019.

- 5 On 18 April the Government lost a vote in the House of Lords in favour of an amendment to the EU (Withdrawal) Bill requiring ministers to report to Parliament “*outlining the steps*” it had taken to explore “*an arrangement which enables the UK to continue participating in a customs union with the European Union*”. The government has subsequently restated its commitment to leaving the EU’s customs union, stating “We will not be staying in the customs union or joining a customs union”.
- 6 The Government, who will probably seek to overturn the amendment, also lost a vote on a second amendment aimed at ensuring that existing protections from EU law cannot be changed - except by primary legislation - which would require any changes to go through both the Commons and the Lords. Final amendments were made to the Bill during the third reading in the House of Lords on 16 May. The Bill returned to the Commons for consideration of Lords amendments on 12 June as part of ping pong. A timeline is attached as Appendix 1.

### Local Government

- 7 Canterbury Christchurch University have postponed their planned research report into Borders and Customs and are instead pursuing a wider piece on the impact on local government from Brexit.
- 8 The LGA has set up a ‘Post-Brexit England Commission’ with the aim of presenting solutions to issues raised by Brexit for Local Government. It will be chaired by Mark Hawthorne, the leader of Gloucestershire County Council. The Commission aims to evaluate the role of Local Government in England in the period following the transition phase. It will principally investigate issues surrounding skills and productivity challenges, and infrastructure pressures. The findings will be published in Spring 2019.
- 9 On 23 March 2018 the Housing, Communities and Local Government Commons Select Committee published the latest set of oral evidence in the ongoing inquiry into Brexit and Local Government. Since then there has been a new Minister appointed to the Department (James Brokenshire MP). There are currently no further evidence sessions planned but SDC officers are monitoring the progress of the inquiry.

### Brexit Survey

- 10 At the meeting of the Legal and Democratic Services Advisory Committee on 20 March 2018 it was explained that a survey of Sevenoaks businesses would take place to seek their views on Brexit and what they perceived to be the challenges and opportunities ahead.
- 11 The Portfolio Holders for Legal and Democratic Services and for Economic Development and Communities both provided helpful input into the survey contents.

- 12 The survey was launched at the end of March, and distributed via realBusiness, the Council's e-bulletin for business in the district, which goes to over 930 subscribers. The bulletin was promoted by the Chamber of Commerce, and in particular by the twitter feed of the Economic Development team, which has 1,300 followers.
- 13 On 2 May 2018 the Council was the venue for the Chamber of Commerce monthly networking meeting. This event was used as a means of promoting participation in the survey; computers were set up in the Conference Room venue with a link to the survey, and delegates at the event were encouraged to spend a couple of minutes completing the survey.
- 14 The realBusiness bulletin typically has an “open” rate of about 27%; this edition was 30%. The total responses received to date is 14. Five of these came directly from the newsletter, and a further nine from the networking event.
- 15 The main results of the survey are as follows:
  - Three respondents import from the EU, and two export. Although there were no further comments on how these businesses felt they could be impacted, it is worth noting that on 28 March the House of Commons European Scrutiny Committee published a report on the VAT implications around Brexit. While the UK will remain part of the Single EU VAT area during the implementation period, there is no clarity on what will happen after. If no deal is reached, any goods exported to the EU by UK businesses will be treated as imports with VAT assessed by customs officials at the border. Goods imported to the UK will attract a VAT liability, potentially creating cash flow issues for smaller businesses. This could affect the continued viability of businesses to trade internationally.
  - Two respondents felt their workforce would be impacted (restrictions on movement within the EU for UK residents) and were concerned about a drop in business activity.
  - Five respondents hoped that there would be more of a voice for business as the main opportunity (but a similar number identified this as the main challenge).
  - The main challenges were anticipated to be understanding new regulations, and concern over uncertainty leading to a reduction in business.
  - The majority of respondents felt they neither agreed nor disagreed that their business stood to gain or was at risk from Brexit. There were, however, several comments on the fact that clarity from Government would be welcomed sooner rather than later
- 16 There is a degree of caution to be taken when extrapolating evidence from a relatively low response rate, but the level of responses in themselves could serve as an indication that businesses in Sevenoaks feel that until the precise

## Agenda Item 10

nature of the withdrawal agreement is known, and the subsequent trading arrangements, that there is no incentive to respond.

- 17 Both Houses of Parliament continue to work through the committee system on a number of Brexit-related issues; the latest of some of these include the launch on 26 April by the House of Commons Transport Committee of a call for evidence for a new Freight and Brexit inquiry. On 25 April, the EU Home Affairs Sub-Committee launched a call for evidence for its inquiry into ‘Brexit: the proposed UK-EU security treaty’, and on 6 June, the House of Commons Committee on Environment, Food and Rural Affairs published their report on The future for food, farming and the environment post-Brexit. The Government is expected to launch their White Paper on a proposed Agriculture Bill for consultation later this year.

### **Key Implications**

#### Financial

There are no financial implications for this report

#### Legal Implications and Risk Assessment Statement.

There are no legal implications for this report

#### 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

**Appendices**      Appendix A: Brexit Timeline

**Background Papers**      Report to Legal and Democratic Services Advisory Committee - January 2018:

<http://cds.sevenoaks.gov.uk/documents/s32939/06%20Brexit%20Committee%20Report%20January>

Report to Legal and Democratic Services Advisory Committee - March 2018:

<http://cds.sevenoaks.gov.uk/documents/s33721/08%20Brexit%20Update.pdf?J=1>

**Dr Pav Ramewal  
Chief Executive**

## Appendix A

### Brexit key dates

#### 12 June 2018

MPs will vote on EU Withdrawal Bill. The legislation suffered 15 defeats in the House of Lords, which will now be debated again in the House of Commons.

#### 28 June 2018

EU summit may include Northern Ireland border discussion, which has proved to be a sticking point in negotiations.

#### 18 October 2018

EU summit during which both sides hope to agree an outline of future relations between the UK parliament and the EU.

#### 31 October 2018

The EU's chief negotiator has said negotiations must be complete before the end of October to give the 27 EU countries time to sign off the deal. MPs in the UK Parliament will also get to vote on the final deal.

#### 13 December 2018

Final EU summit of 2018. If a deal is not reached by October, this is the fall back option if both feel they are close to an agreement.

#### 29 March 2019

As things stand, deal or no deal, Brexit is due to happen at 11pm UK time.

The transition period is due to end and the new economic and political relationship between the UK and the EU to begin.

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## LICENSING AND HOW IT IMPACTS PUBLIC HEALTH

### Legal & Democratic Services Advisory Committee - 28 June 2018

Report of Chief Officer Environmental & Operational Services

Status: For Information

Key Decision: No

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**Executive Summary:** This report provides Members with information on how licensing can impact on the health and wellbeing of residents

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This report supports the Key Aim of reducing health inequalities and improving health and wellbeing

Portfolio Holder Cllr. Anna Firth

Contact Officer Sharon Bamborough Ext. 7325

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**Recommendation to the Legal & Democratic Services Advisory Committee:** That the report be noted.

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#### Introduction and Background

- 1 This Council works with key partners including Kent Public Health Team, GP Clinical Commissioning Groups (CCGs), local health and social care providers and the voluntary sector to meet the Healthy Environment priorities within the Community Plan to reduce health inequalities and improve the health and wellbeing of residents.
- 2 This Council's services, public assets and local partnerships have a unique and multi-dimensional role in improving health outcomes across the wider determinants of health, health improvement and health protection with local communities.
- 3 In 2015 The King's Fund produced a new report, in partnership with the District Council Network (DCN), titled 'The district council contribution to public health: a time of challenge and opportunity'. This report outlines the greater role district councils can have on improving the health and wellbeing of local residents.
- 4 Some of the key functions delivered by this Council that can play a significant role in preventing ill health include Housing, Planning, Licensing, Environmental Health, Community Safety and Economic Development.

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### How Licensing fits with Health

- 5 There are several areas in which the role of licensing has a part to play in contributing towards the greater public health. These include:
  - The link between abuse of alcohol and health issues (*alcohol related illness, alcohol fuelled behaviour e.g. domestic violence*)
  - The availability of alcohol (the number of off-licences and hours of operation)
  - Safeguarding issues - alcohol related crime and disorder and violence plus red flag issues (taxis /grooming/trafficking)
  - Addiction - not just alcohol, but gambling - ensuring solid procedures and policies are in place to assist customers who may suffer
- 6 Whilst it can be easy to identify particular problems with a known premises and take action against to review the licence, it is harder to evidence a more widespread link between general areas (such as town centres) and the increase / presence of alcohol related heath issues.
- 7 Sevenoaks has been selected by the Home office to take part in a pilot scheme they are running this year to test a piece of software which will plot crime and health data across our geographical area into the licensing database. This will allow real evidenced conclusions to be drawn and policies amended accordingly should particular patterns emerge. For the first time, we may be able to show a causal link between the giving of a licence and the impact it has on its locality, without needing to rely on our partners to bring issues / problems to our attention. We have provided the requested initial information to the Home Office - they will develop software for trial.
- 8 The Licensing Partnership will be running the Metropolitan Police initiative, WAVE, this year, in conjunction with Kent Police, across the four authorities. (WAVE is the Welfare and Vulnerability Engagement) - which is an initiative to remind / train the industry and officers about what more they should do to intervene and how this can have a real impact on health outcomes.
- 9 Air Quality - taxis policy should be reviewed in due course to promote greener vehicles and potentially, require their use (only) by a certain date in the future
- 10 Members will be updated at the meeting with a presentation on this work.

### Key Implications

#### Financial

- 11 There are no financial implications for the Council associated to this report.

Legal Implications and Risk Assessment Statement.

12 There are no legal implications for the Council associated to this report.

Equality Assessment

13 No decision is required as part of this paper and therefore no perceived impact on end users.

**Conclusions**

14 For Members to note the work of this Council's Licensing function to contribute to the health and wellbeing of local residents.

**Appendices** None

**Background Papers:** District Council's Network - The Kings Fund Report - The district council contribution to public health: a time of challenge and opportunity:

[http://www.kingsfund.org.uk/sites/files/kf/field/field\\_publication\\_file/district-council-contribution-to-public-health-nov15.pdf](http://www.kingsfund.org.uk/sites/files/kf/field/field_publication_file/district-council-contribution-to-public-health-nov15.pdf)

**Richard Wilson**  
**Chief Officer Environmental & Operational Services**

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## NATIONAL DEMOCRACY WEEK

### Legal and Democratic Services Advisory Committee - 28 June 2018

Report of Chief Officer Corporate Services

Status For Information

Key Decision No

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**Portfolio Holder** Cllr. Anna Firth

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**Contact Officer** Nicola Fletcher, Ext. 7188

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#### **Recommendation to Legal and Democratic Services Advisory Committee:**

The report be noted.

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#### **Introduction and Background**

- 1 The inaugural National Democracy Week is taking place from 2 to 6 July 2018. Monday 2 July is the 90<sup>th</sup> anniversary of the 1928 Equal Franchise Act which gave women the same voting rights as men.
- 2 As a part of National Democracy Week, a number of activities are being undertaken involving Councillors, the Member of Parliament for Sevenoaks, Sir Michael Fallon and officers from Electoral Services and other Council departments.

#### **Events**

- 3 On Monday 2 July 2018 a visit is being made to Orchard's Academy in Swanley and a short introductory video from Lizzy Yarnold will be shown, a series of presentations about democracy and electoral registration will be given and a mock poll will be held
- 4 On Monday 16 July 2018 a similar visit is being made to Knole Academy in Sevenoaks.
- 5 At the time of writing, the Council is also in discussions with a number of other schools in the District as to whether it will be possible for them to host additional sessions for them.
- 6 During the week, Electoral Services Outreach Canvassers will be visiting care homes to encourage residents to register to vote.

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- 7 Officers from Communications will be carrying out a number of activities including issuing a news release, tweeting about registering to vote and using the hashtag #TalkDemocracy.

#### **Other Options Considered and/or Rejected**

None

## Key Implications

## Financial

Any activities undertaken as a part of National Democracy Week and associated projects will be met from existing budgets.

## Legal Implications and Risk Assessment Statement

Under legislation it is a requirement for every district council and London Borough to appoint an Electoral Registration Officer (ERO). Whilst the ERO is appointed by the council, the ERO's responsibilities are personal. The ERO is required to take steps to encourage participation by electors in the electoral process and meet the performance standards set by the Electoral Commission.

## 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 below.

## Conclusions

This report sets out for Members information a selection of the activities which will be undertaken as a part of National Democracy Week in July 2018.

Members are recommended to consider the information provided within the report and note the actions which will be undertaken.

## Appendices

## Background Papers

## Jim Carrington-West

## **Chief Officer Corporate Services**

## Legal & Democratic Advisory Committee Work Plan 2016/17 (as at 04/06/18)

| 28 June 2018           | 4 October 2018  | 22 January 2019 | 19 March 2019 |
|------------------------|---|-----------------|---------------|
| Equalities Action Plan | Update on GDPR  | Brexit Update   | Brexit Update |
| Brexit Update          | SCIAs<br><br>Brexit Update<br><br>Update on National Democracy Week<br><br>Licensing contribution to health<br><br>Update on Land Charges |                 |               |

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