

22 January 2019 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 14.01.19



Legal & Democratic Services Advisory Committee

Membership:

Chairman, Cllr. Firth; Vice-Chairman, Cllr. Pett
Cllrs. Abraham, Barnes, Bosley, Coleman, 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 4 October 2018, 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	(Pages 9 - 10)	
a) Legal Successes	(Pages 11 - 14)	Martin Goodman Tel: 01732 227425
5. Referrals from Cabinet or the Audit Committee (if any)		
6. Brexit Update Heidi Skinner, Public Affairs Manager of the Freight Transport Association (FTA) will be in attendance to give members an update on the plans for Dover and the knock on effects of Brexit for West Kent.	(Pages 15 - 18)	Margaret Carr Tel: 01732 227341
7. Electoral Services Update	(Pages 19 - 24)	Nicola Fletcher Tel: 01732 227188

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|----|--|-----------------|---|
| 8. | Local Land Charges - Review of Fees | (Pages 25 - 30) | Jim Carrington-West,
Matt Mitchell Tel:
01732 227286/7156 |
| 9. | Work Plan | (Pages 31 - 32) | |

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 4 October 2018 commencing at 7.00 pm

Present: Cllr. Firth (Chairman)

Cllrs. Abraham, Coleman, Mrs. Hunter, Lake, McGarvey and Raikes

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

Cllrs. Dr. Canet were also present.

14. Minutes

Resolved: That the Minutes of the meeting of the Advisory Committee, held on 28 June 2018, be approved and signed by the Chairman as a correct record.

15. Declarations of Interest

There were none.

16. Actions from Previous Meeting

There were none.

17. Update from Portfolio Holder

The Portfolio Holder and Chairman advised Members that the Council had gone out on a democracy roadshow, as part of National Democracy Week, to three secondary schools in the area, which had presentations including one from Lizzy Yarnold, and a mock polling exercise created by the Elections team.

She also advised that the first meeting of the guarantor board of Quercus Housing had taken place, with the results of the next meeting to be given at the next meeting.

The Chairman and Portfolio Holder also reported that Quercus 7 had an offer accepted on a new project in Gravesend and would be reported on at the next meeting.

She also advised that discussions were continuing for the London Borough of Bromley to join the Licensing Partnership.

18. Referrals from Cabinet or the Audit Committee

There were none.

19. Legal Successes

The Chief Officer Corporate Services presented a report showing the successes of the Legal team from 28 June 2018 to 4 October 2018.

Members asked a number of questions of clarification which the Chief Officer Corporate Services said he would ask the Head of Legal & Democratic Services.

Action 1 - Head of Legal & Democratic Services to answer Members questions regarding where covenant was and whether ward Members were asked about its release, and clarification of wording on financial recovery of Oakview Stud Farm.

Resolved: That the report be noted.

20. GDPR Update

The Chief Officer Corporate Services presented a report which updated Members on the implementation of the General Data Protection Regulation (GDPR).

In response to questions, the Chief Officer Corporate Services advised that the number of personal information requests could be supplied by the Head of Legal & Democratic Services.

Action 2 - Head of Legal & Democratic Services to supply Members with amount of requests for personal information since 25 May 2018.

Resolved: That the report be noted.

21. Budget 2019/20: Service Dashboard and Service Change Impact Assessments (SCIAs)

The Chief Finance Officer presented a report, which explained that this was the second stage of the budget process and ensured that all Members of the Advisory Committees had a role to play in the governance of the Council and the budget decision making process. He explained that since the current financial strategy was introduced in 2011/12, over £7 million of savings had been agreed.

To continue to have a balanced budget position and remain financially self-sufficient, a net savings requirement of £100,000 per annum was included in the budget. The Chief Finance Officer also advised Members that other pressures may come out later in the budget process such as when the Local Government Finance Settlement was announced in December. These may result in additional savings being required.

One growth item had been proposed. Members were advised that the impact of £40,000 for Land Charges Searches showed that parts of the budgeted search income was no longer achievable as some requests were passed onto Kent County Council (KCC) to answer as they own the relevant datasets. Members were reminded the function operates on a cost recovery basis. Members expressed concern at the costs of the KCC part of the process not being recovered, which seemed at odds with the principle of running a costs recovery service. Members felt that the KCC part of the process should also be recovered from the end user and were not prepared to support the recommendation without more information, which the Chief Officer Corporate Services agreed to forward to Members of the Advisory Committee.

Members discussed possible growth items including investigating the feasibility of a shared service for the Legal team. A Member advised that Ashford Borough Council saved costs on legal fees by having a magistrate willing to take applications over the telephone, e.g. for injunctions, thus saving on costings applicable at court. Members also considered whether the £19,000 Equalities Legislation budget was still needed when the principle of complying with the Equalities Act 2010 was well embedded in the Council and if there was no proposal to fill the vacant post, there was no requirement to keep the budget.

Members also expressed an interest in looking at associated costs of agenda printing, and the delivery and the posting of documentation from the Council. Finally, Members mentioned again the possibility of the Council becoming paperless.

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 Portfolio Holder would advise Cabinet of the views of the Advisory Committee Members on the growth proposal identified in Appendix D (SCIA01, which would be supplied outside of the meeting after the Chief Officer Corporate Services had circulated further information and
- b) the following savings suggestions be discussed further
 - a shared service for the Legal team
 - a full time magistrate on call to support the Legal team
 - removal of the Equalities Legislation budget
 - review of the associated costs of agenda printing, delivery and Member postal arrangements.

22. Shared Services Update

The Chief Finance Officer presented the annual update, which provided a schedule of current and previous shared services.

He explained that by having shared services across the Council, savings of over £700,000 had been delivered.

Members queried whether the space previously occupied by Kent County Council & Moat Housing was currently vacant. The Chief Officer Corporate Services advised Members that as part of the Customer Redesign, the area would now be used for the Customer Solutions team.

Resolved: That the report be noted

23. Brexit Update

The Chief Officer Corporate Services provided an update to Members on how Brexit would affect the District and the challenges and opportunities that lay ahead.

The Chairman suggested that Sevenoaks District Council should consult local businesses on what they would require post Brexit, and whether a seasonal workers permit could be used. She also suggested this could be then fed to the Immigration Minister.

The Chief Officer Corporate Services confirmed that Brexit was an ever-changing situation and he hoped more information could be provided at the next meeting.

Resolved: That the report be noted.

24. Local Land Charges - Update

The IT Services Manager introduced a report that provided Members with an overview of the Local Land Charges Service, its background, performance and future considerations.

He advised Members that the Council would shortly launch a self-service for personal searches, which would reduce traffic of searches requested and provided a quicker response to customers.

Resolved: That the report be noted

25. Electoral Services update

The Chief Officer Corporate Services presented an update report on the activities of the Electoral Services team.

He advised Members on the current position of the team, and explained that the initial canvass was due to end in December, and current figures reflected that 52% of residents had responded online.

He also advised Members that the outcome of the Boundary Commission Review on Parliamentary constituency boundaries was with Parliament, and would circulate to Members a link to the relevant website showing the proposed changes.

Action 3 - Chief Officer Corporate Services to provide Members with link to the website showing proposed changes to Parliamentary boundaries.

Resolved: That the report be noted.

26. Work Plan

The work plan was noted.

THE MEETING WAS CONCLUDED AT 8.45 PM

CHAIRMAN

ACTIONS FROM THE MEETING HELD ON 04/10/2018			
Action	Description	Status and last updated (16/10/18)	Contact Officer
ACTION 1	Head of Legal & Democratic Services to answer Members questions regarding where covenant was and whether ward Members were asked about its release, and clarification of wording on financial recovery of Oakview Stud Farm.	<p>Regarding Oakview Stud Farm, costs will not be recoverable unless there is a final order to that effect made by the Court.</p> <p>The item dated 14/09/18 (release of covenant) related to a former Council house transferred to West Kent Housing, which had a covenant preventing the building of two dwellings on the site of a single house. This matter went through the planning process and Members were consulted at that stage. The building works secured planning consent before the covenant was released.</p> <p>This information is to be sent out to Committee Members by Democratic Services.</p>	Martin Goodman Ext.7245
ACTION 2	Head of Legal & Democratic Services to supply Members with amount of requests for personal information since 25 May 2018.	<p>There were nine requests between 25 May and 16 October 2018.</p> <p>This information is to be sent out to Committee Members by Democratic Services.</p>	Martin Goodman Ext.7245

ACTION 3	Chief Officer Corporate Services to provide Members with link to the website showing proposed changes to Parliamentary boundaries.	A link provided by Chief Officer Corporate Services showing proposed changes to Parliamentary boundaries sent out to Committee Members by George Lewis on 16.10.2018	Jim Carrington-West Ext.7286
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LEGAL AND DEMOCRATIC SERVICES – 8 JANUARY 2019

Cllr Anna Firth, Cabinet member for Legal & Democratic Services

The focus during the last quarter has been on execution and delivery rather than innovation but good progress has been made.

Quercus 7

Quercus 7 is in the advanced stages of negotiation on several properties which achieve the Q7 investment return criteria. It is hoped that contracts will be exchanged shortly and in accordance with the current financial plan, Q7 will start making a cumulative profit from 2020/21. Conditional offers have also been made on two other developments within the District that meet the investment criteria and due diligence is on-going. However, the residential property market is going through uncertain times due to the current political and economic uncertainty and Q7 must be wary of the risks this causes when analysing opportunities.

Quercus Housing

£6 million from our section 106 contributions have been earmarked for Quercus Housing to be transferred on a scheme by scheme basis as and when each scheme is agreed. The second Board meeting for QH took place on the 6th December 2018 and work is progressing on two potential schemes within the District.

Legal team

The legal team continue to be extremely busy. A further successful environmental health court hearing took place in December resulting in a court order being granted and an unsafe business practice being changed. See the attached table of recent legal successes for more details.

Finding a permanent replacement for Kate Jardine, Principal Planning solicitor, is proving difficult and costly. Two days locum help from a junior planning Barrister costs the same as a full-time Principal Planning Solicitor and filling the remaining 3 days places a considerable additional strain on the rest of the team. This is an on-going challenge although SDC are not alone in having difficulties recruiting to this and similar roles.

Elections

The annual canvass is now complete with the new register was published on the 1 December 2018. As of the 1 December 2018 there are 89,319 people on the Register compared to 89,766 for December 2017. The figures relating to responses from the annual canvass are as follows:

24,840 online across all stages – 55.7% cf 42% last year
19,377 paper across all stages – 43.5% cf 57% last year

The represents a very good outcome and shows that the extra effort and focus on letters, messaging, social media and canvassing has resulted in a more efficient, more resilient service which represents better value for money.

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On Friday, 14 December the Council helped celebrate the centenary of the 1918 general election in which some women voted for the first time and 17 women stood for Parliament. In conjunction with the Chairman and the Communications team we produced and released a short Twitter video followed by a succession of 30 second vox pops throughout the day during which female councillors explained the significance of women's suffrage to them. As has been said before, women's suffrage has been identified by the World Health Organisation as one of the 6 P's to health and wellbeing along with People, Place, Peace, Prosperity and Planet.

Licensing

Bromley joining licensing partnership – on 9 November we sent the Bromley Head of Service a revised quote based on the Licensing Partnership taking on the whole of the Bromley licensing function including enforcement. However, despite very favourable indications, nothing definitive has yet been received

Performance – the Sevenoaks licensing performance was 100% KPI achievement across all targets.

Gambling Policy – the new gambling policy, agreed at Full Council on 20 November, will come into effect on the 31 January.

Brexit

Hopefully by the time the committee meets the broad direction of travel in terms of the UK's withdrawal from the European Union will be clearer.

On the 18 December 2018 I attended the LGA South East Brexit roadshow at which concern was expressed about the ability of Kent roads to cope with Operation Brock, the replacement to Operation Stack, and the possible effect on the Kent economy if the M20 is closed in part or in both directions. Other concerns included skills shortages, the direct costs of new burdens and demand pressures because of Kent's exceptional position and uncertainty around how the UK Shared Prosperity Fund will be allocated. On a positive note, the Kent Resilience Forum has done a great deal of work on scenario and contingency planning.

Democratic services / Chairman

The democratic services team continue to support the many Council committees as well as the Chairman's extremely busy diary.

Equalities

Recognising equality-related achievement in our District as per action four of the 2018/19 Equalities Action plan, two additional categories will be awarded at the February "Making It Happen" Awards: Equalities Champion of the Year and Carer of the Year.

LEGAL SUCCESSES

Legal and Democratic Services Advisory Committee - 22 January 2019

Report of Chief Officer Corporate Services

Status For information

Key Decision No

Executive Summary: A table showing the successes of the Legal team is appended to this report.

Portfolio Holder Cllr. Anna Firth

Contact Officer Martin Goodman, Ext. 7245

Recommendation to Legal and Democratic Services Committee:

That the report be noted.

Introduction and Background

- 1 The Legal team provides an in-house service to the Council, covering a wide range of contentious and non-contentious work.
- 2 The appended table is a snapshot of significant 'legal successes' since the last meeting of the Advisory Committee.
- 3 This report is to be noted.

Key Implications

Financial

None arising from this report.

Legal Implications and Risk Assessment Statement.

None arising from 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.

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Appendices Appendix A - Table of Legal successes.

Background Papers None.

Jim Carrington-West

Chief Officer Corporate Services

LEGAL SUCCESSES
05/10/2018 TO 22/01/2019

APPENDIX

DATE	LEGAL ACTION	RESULTS	FINANCIAL IMPLICATIONS	FOLLOW-UP
04.10.2018	Traffic Island, Franks Lane, Horton Kirby - Prosecution for breach of S.215 Notice	Found guilty at trial. Fine of £400 plus £40 victim surcharge	£300 costs awarded (of £620 applied for)	Other enforcement action being considered to deal with outstanding issues on site
29.10.2018	Land adjacent to Barnfield Park, Ash - injunction	Interim and then confirmed injunction to prevent occupation of land for residential purposes, any operational development, or the stationing of any caravans or mobile homes	£1,200 agent's fee Barrister fees £600 Court fees	
31.10.2018	John Bennett v SDC. Appeal against Community Protection Notice	Appellant has offered to settle on basis of each side bearing their own costs.	Council had begun to instruct Counsel in the event of matter proceeding to full hearing. Final costs TBC	Consent order to be signed shortly. CPN will be able to be enforced.
19.10.2018	120 Chipstead Lane, Sevenoaks	Assistance given to Housing Advice to prepare evidence preventing improper injunction removing tenant's rights	Could not claim back costs as Council were not a formal party to injunction hearing	Alternative housing being sought for tenants. Prosecution being considered against landlord
22.11.2018	Adverse possession claim The site of Hillcrest Four Elms Edenbridge	Counter application on behalf of the Council in relation to adverse possession was successful. The land has remained in our title.	None	

LEGAL SUCCESSES
05/10/2018 TO 22/01/2019

APPENDIX

DATE	LEGAL ACTION	RESULTS	FINANCIAL IMPLICATIONS	FOLLOW-UP
04.12.2018	Contract for Buckhurst 2 Housing	Contract now completed	Each side bore its own costs.	Economic Development Team and their agent will supervise performance of the contract
11.12.2018	First tender process under new compulsory electronic procurement rules	Tender process successfully completed		Procedural rules will continue to be reviewed in light of these new legal requirements
14.12.2018	Court hearing regarding Emergency Hygiene Prohibition Notice	Order granted confirming that Council's actions were reasonable	Council cannot now be liable under the Regulations for costs incurred by business due to Notice issued	None. Action by EH has successfully changed business' practices
18.12.2018	Advice to second Community Infrastructure Levy Spending Board	Meeting successfully held	No additional costs	Practices and procedures of Board will continue to be considered and reviewed through the PAC and Cabinet.

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BREXIT UPDATE

Legal and Democratic Services Advisory Committee - 22 January 2019

Report of Chief Executive

Status For Information

Key Decision No

Portfolio Holder Cllr. Anna Firth

Contact Officer Margaret Carr Ext. 7341

Recommendation to Legal and Democratic Advisory Committee:

The Brexit Update report is noted.

Reason for recommendation: Assessing the impact of Brexit on the Council is part of an on-going role for 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.

Introduction and Background

- 1 This is the fifth report updating Members of the Legal and Democratic Services Advisory Committee on Brexit. It aims to identify any actions or preparation that might be necessary for the Council and the District in order to meet the challenges, and to maximise the opportunities, of the UK leaving the EU. Previous reports are available in the background papers to this meeting.
- 2 This report updates Members on the latest events in relation to the UK Government's preparations for Brexit, the work of the LGA and the MHCLG.

UK-EU Negotiations

- 3 Since the last report, agreement has been reached by both the Government, and the EU on a Withdrawal Agreement (WA) and a Political Declaration (PD). At the time of writing, the "Meaningful Vote" promised to Parliament was scheduled to take place in the week beginning 15 January 2019, having been postponed from the original date of 11 December 2018. The principle issue with the WA and PD is with the status of the "backstop" in relation to avoiding a hard border between the Irish Republic and Northern Ireland.

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Local Government

- 4 The previous report to the Legal and Democratic Services Advisory Committee referred to the 'Post-Brexit England Commission' established by the Local Government Association, with the aim of presenting solutions to issues raised by Brexit for Local Government and chaired by Mark Hawthorne, the leader of Gloucestershire County Council.
- 5 The Commission has been holding a series of Regional Roadshows to gain the views of councils across the country; the south east roadshow took place on Tuesday 18 December and was attended by the Portfolio Holder, and by the Policy Officer in the Transformation and Strategy Team.
- 6 The Freight Transport Association (FTA) was one of a number of organisations and sectors presenting to this event. The Chairman of the Legal and Democratic Services Advisory Committee subsequently invited the FTA to present to the Committee this evening regarding the potential impact of Brexit on the county.
- 7 The event also heard presentations on infrastructure and skills, and an overview of the opportunities and challenges posed by Brexit. Once all the regional roadshows have taken place, the LGA will produce a final report early in 2019, based on the evidence and solutions they have heard.
- 8 The Ministry for Housing, Communities and Local Government also held a series of regional events in order to engage the local government sector and update them on the planning that is taking place across government departments. The south east event included presentations by the Department for Exiting the European Union, the Cross Government Border Delivery Group, the Office for Product Safety and Standards, the Food Standards Agency, DEFRA and the EU Settlement Scheme.
- 9 It was acknowledged that councils would be affected by immigration, funding and rural issues amongst other factors, and potentially a wider range of impacts in the event of No Deal.
- 10 Government has already issued a number of technical notices for businesses across a significant variety of sectors and scenarios including No Deal, as well as a Partnership Pack from HMRC. It was acknowledged that smaller businesses would benefit from this guidance being simplified wherever possible, and there was an undertaking for all relevant local government issues related to Brexit would be available through a single portal on the gov.uk website early in 2019.
- 11 It was also felt that once the WA and PD were agreed there would be the opportunity for local government to shape the expansion of each where appropriate, such as in services, fisheries, other aligned trade regulations and to respond to consultations on the Agriculture Bill and Shared Prosperity Fund.

- 12 The Home Secretary launched the Immigration White Paper on 19 December 2019 outlining the Government's plans following the end to free movement and the need to meet skills gaps in the UK.

Commentary

- 13 The Meaningful Vote will have taken place by the time of the Advisory Committee meeting on 22 January 2019. Should no political agreement be reached by Parliament, Government is required to make a statement about its intentions within 21 days. Parliament must then vote on a motion based on that statement within 7 sitting days. If this is rejected, the current position is that the UK will leave without a deal on 29 March 2019.
- 14 Council Officers will continue to monitor the situation and report back as necessary.

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 None

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>

Report to Legal and Democratic Services Advisory Committee, June 2018

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=325&Mid=2287&Ver=4&J=2>

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**Report to Legal and Democratic Services Advisory Committee,
October 2018**

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=325&MId=2288&Ver=4&J=1>

**Dr Pav Ramewal
Chief Executive**

ELECTORAL SERVICES UPDATE

Legal and Democratic Services Advisory Committee - 22 January 2019

Report of Chief Officer Corporate Services

Status For Information

Key Decision No

Executive Summary: This report sets out an update on improvements which have been made in Electoral Services within the current legislative framework.

Further improvements will continue to be sought 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: That 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 practices and procedures within Electoral Services.
- 2 During 2018, three by-elections were administered, two for Edenbridge Town Council on 3 April 2018 and one for the Farningham, Horton Kirby and South Darenth District Ward on 30 August 2018.
- 3 Between July and December 2018, Electoral Services conducted the annual canvass which required a Household Enquiry Form (HEF) to be sent to every residential property in the district. If a response was not received, then up to two additional forms had to be sent and a canvasser had to make a personal visit to the property to encourage a response or collect the required information. 50,757 forms were sent for the 2018 annual canvass and the revised register was published on 1 December 2018.
- 4 As of 1 December 2018, 44,525 (88%) of HEFs had been returned across all the HEF stages including the personal visits by canvassers. Approximately, 11,500 residential properties were visited as a part of the annual canvass. The responses received online for all the stages totalled 24,840 - 56%, the

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number of paper responses was 19,377 - 43% and a small number of 'other' responses. Some properties returned HEFS using multiple channels.

- 5 In comparison to the previous year, the overall response rate for the 2017 annual canvass was 88%. The online response rate for the 2017 annual canvass was 42%, the paper response was 57% and other was 1%.
- 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 2019, notices will be sent to over 1,610 electors where the signature is more than five years old.
- 7 A review of UK Parliamentary polling districts and polling places will be conducted 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 The covering letter for the HEF was changed for the 2018 annual canvass. For previous canvasses, the standard covering letter provided by the Electoral Commission as a template was used. In 2018 this was changed to a template which explained how easy it was to return the form online while still offering the option to complete the form by post, phone or text message. The increase in online returns between 2017 and 2018 was 14%.
- 10 All correspondence sent by Electoral Services has been 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 was 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. There has been no negative feedback to any of the letter amendments which have been made. Additionally, the content of letters will continue to be reviewed on a periodic basis.
- 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 have been introduced for all canvassing, which is now being undertaken by three Electoral Outreach Canvassers who were appointed to the Council in 2018. The introduction of the tablets has seen a reduction in print costs for the HEFs and Invitations to Register (ITR). It has also resulted in a reduction in the number of paper forms which had to be scanned and processed and increased the efficiency of the canvass.

- 12 The type and quantity of letters sent by Electoral Services by email has been increased and this project will continue as far as permitted under current legislation.
- 13 The postal vote application form sent by Electoral Services and the Contact Centre has been amended to make it easier to complete and to bring it in line with the Electoral Commission's template form.
- 14 Electoral Services officers now have access to the Tell Us Once service which is improving the accuracy and completeness of the register.

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 and improvements for staff and customers.
- 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 staff being given the option to use a be-spoke web based system to accept job roles, update personal details and book training. This will be offered alongside the traditional letter system for those staff who do not wish to use the web based system.
- 18 Poll staff training is reviewed before each election and incremental changes are being made to improve this. Some of the changes include offering a training session on a Saturday morning and looking to create a video to support the sessions. Additionally, staff who wish to be poll clerks are being offered the opportunity to work either a morning or evening session if there is another member of staff who can work the alternate shift.
- 19 An open morning was held for Council staff in July 2018 to promote election job roles and this event was well attended. As a result, 23 new staff have been added to the staffing database. A short survey was conducted after the open morning to ascertain how useful it was. 100% of respondents either agreed or strongly agreed that the information provided was useful, that they understood what each of the election roles would involve and that the application form was easy to complete. All respondents felt that their knowledge levels of election roles had increased after the open morning.
- 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

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automatically and real time updates of the progress and results of the count can be made available for attendees.

- 21 A new system for counting ballot papers for multiple member seats is being introduced for the District and Parish elections in May 2019. This is a reusable board which will replace the traditional grass skirts.
- 22 At the by-elections in 2018 remote scanning of postal vote statements at the final postal vote opening session at the count was used. There were no issues during these elections and so this will be continued, where appropriate, at future elections.

Future Improvements

- 23 There are still further improvements and ideas which can be implemented and this will be developed during 2019.
- 24 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.
- 25 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.

Proposals from Government

- 28 The Government has published some proposed reforms to the annual canvass in a policy statement and then consulted on these proposals in late 2018. It is intended that any reforms would be implemented in 2020. The proposals are intended to allow the Electoral Registration Officer (ERO) to target resources more effectively and carry out, both national and local, data matching at the start of the canvass to identify properties where it is likely the occupiers remain the same. The ERO will be able to conduct a light touch canvass on properties identified as such.
- 29 The Overseas Electors Bill would result in the removal of the existing 15-year time limit on British Citizens who live abroad registering as overseas electors and therefore enfranchise any British citizen overseas who was previously resident or registered to vote in the UK. The Bill completed the committee stage on 14 November 2018 and is due to have its report stage and third reading on 25 January 2019.
- 30 The Cabinet Office has recently consulted on draft legislation which would remove the requirement for candidates to have their home addresses published on the ballot paper at principal area elections, parish and community council elections, local authority mayoral elections and combined authority mayoral elections. It is expected that this legislation will be in effect for the May 2019 polls.

- 31 At the local elections in May 2019, further voter ID pilots will be taking place at eleven local authorities. The aim of the pilots is to provide further insights into how best to ensure the security of the voting process and reduce the risk of voter fraud. Each local authority will test one of the following models; photo ID, photo and non-photo ID, traditional poll cards or poll cards with barcodes which can be scanned.

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.

Legal Implications and Risk Assessment Statement

The report explains the legal framework which the Electoral Registration and Returning Officer must operate within to deliver their personal responsibilities for the electoral processes. Failure to adhere to these would be a significant risk to the Council.

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

This report sets out for Members information the progress which has been made to date with planned improvements for Electoral Services and provides the recent electoral context for these changes.

There are a number of further improvements to be made and these will be introduced during 2019.

Members are recommended to consider the information provided within the report and note the actions the service will take to deliver these and any future legislative changes.

Appendices None

Background Papers None

Jim Carrington-West
Chief Officer Corporate Services

LOCAL LAND CHARGES - REVIEW OF FEES

Legal & Democratic Services Advisory Committee - 22 January 2019

Report of: Chief Officer Corporate Services

Status: For decision

Also considered by: Cabinet - 14 February 2019

Key Decision: Yes

Executive Summary: This report outlines background and current fees for the Local Land Charges Service and proposes a new scale of fees to take effect from 1 April 2019

This report supports the Key Aim of Effective management of resources

Portfolio Holder Cllr. Firth

Contact Officers Matt Mitchell, Ext. 7156

Jim Carrington-West, Ext. 7286

Recommendation to Legal and Democratic Services Advisory Committee: That the proposed Land Charges fees as set out in Appendix A be recommended to Cabinet to take effect from 1 April 2019.

Recommendation to Cabinet: That the proposed Land Charges fees as set out in Appendix A are agreed to take effect from 1 April 2019.

Introduction and Background

1 When a property or parcel of land is bought, leased, mortgaged or a valuation carried out, a request for a search is sent to the Local Land Charges (LLC) team, the search is usually submitted by a solicitor or licensed conveyancer, either electronically or by a paper application form.

2 Local Land Charges inform potential buyers of property or land whether they will inherit any obligations or restrictions such as a tree preservation order or enforcement notice.

3 A search consists of three parts:

Part one - LLC1 - the Official Certificate of Search Form, which covers obligations and restrictions on the property imposed by the Local Authority

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which will be inherited by any subsequent owner - for example financial charges (registered against the property by the local authority), improvement grants, tree preservation orders or listed building status.

Part two - CON29R - the Enquiries of Local Authorities Form covers things like planning history of the property, whether the road is publicly or privately maintained and whether there are any major road or rail proposals in the vicinity

Part three - CON290 - includes further (optional) enquiries which covers information about public paths or byways, houses in multiple occupation, hazardous substance consents and common land.

- 4 For the above searches, Sevenoaks District Council charges a fee. The fees should be set to fully recover the costs of the service provided but no more. The service must run on a cost neutral basis and all local authorities have to operate under this model.

Personal Searches

- 5 A personal search is legally defined as a search of the Local Land Charges Register (LLCR) carried out by a member of the public. CON29 Information is not included or provided by Local Land Charge Departments as part of a personal search.
- 6 Over recent years and as a result of the legal settlement reached between the LGA and APPS (Amalgamated Personal Property Searches) local authorities are mandated to provide personal search information without charge.

Team Structure and Performance and Budget

- 7 The team currently consists of 2.85 FTE, a Senior Local Land Charges Officer (0.6 FTE), two Local Land Charges Officers (2.0 FTE) and a shared administration resource (0.25FTE).
- 8 Based on a target of responding to Land Charges search requests within 10 working days, this level of resource has been shown to be appropriate. Reductions in this resource due to sickness or other absence have been shown to have an adverse impact on turn around times.
- 9 The annual income budget for 2018/19 for the service is £205,000, expenditure is mainly salaries, and support service costs in terms of IT provision to support databases.
- 10 During 2017/18, the team received 1573 Searches and 1287 Personal Searches. The average time to process searches in this period was 9 working days.

- 11 This compares with year to date figures for 2018/19 to 4 December 2018 of 1051 Searches and 946 Personal Searches. The average time to process Searches in this period was 10 working days.

Current and Proposed Fees

- 12 The current scheme of fees for the service are set out in Appendix A and are supposed to be set to recover the costs of providing the service but not to create a surplus. These fees have remained unchanged for at least ten years.
- 13 Based on current and projected volumes of searches and their associated income from charges it is forecast there will be around a £60,000 adverse variance when compared to expenditure. The service is therefore no longer operating on a cost recovery basis.
- 14 Over recent years, expenditure budgets within the Land Charges Service have increased in line with inflationary increases as part of the annual budget process. Whilst the budgeted income figure has also increased in line with inflation, the fees have not been reviewed and levels charged have remained constant whilst volumes have not increased. This has resulted in an increasing deficit when considered on a cost recovery basis.
- 15 It is therefore proposed that fees are increased to bring the service back to a cost recovery positional and reflect inflationary increases which have not been applied. The proposed new fee levels are also outlined in Appendix A.

Land Registry Proposals

- 16 In 2010, HM Land Registry (HMLR) proposed that a single, standardised point of contact should be created for the provision of LLC information citing *“an issue with the lack of standardisation with the current provision system of LLC and CON29 searches”*.
- 17 Since that time, legislation has been passed which will enable HMLR to assume responsibility and payment for the provision of LLC data from all Local Authorities including Sevenoaks District Council. SDC will be required to provide this data at no cost.
- 18 In 2010 migration was expected to be phased throughout 2015, the latest understanding is that migration will be phased through 2017-2022. When the service is migrated to HMLR, Sevenoaks District Council will be required to provide data, by a means not yet known but presumably electronically, on a daily basis to HMLR. From this date, SDC will no longer be able to charge a fee for information provided.
- 19 SDC have engaged with the HMLR and are actively working on how data is stored, the digitising of data and how this could most efficiently be achieved and discussions are ongoing.

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Key Implications

Financial

If fees are not increased in line with those proposed in Appendix A, the service will not operate on a cost recovery basis and will generate a deficit.

If HMLR proposals come into force, in the relevant future years a significant proportion of associated income will no longer be generated. Once clearer information is forthcoming it is proposed that the provision of the service will be further reviewed.

Legal Implications and Risk Assessment Statement.

Local Land Charges is a statutory service.

Equality Assessment

There are no equalities impacts arising from this report.

Appendices

Appendix A - Current and Proposed Fees

Background Papers:

None

**Jim Carrington-West
Chief Officer Corporate Services**

Appendix A - Current Land Charges Current and Proposed Fees

Search Type	Current Fee (£)	Proposed Fee (£)
Full Search (LLC1 & CON29)	122	165
LLC1	20	33
CON29	102	135
Additional Parcel of Land	18	27
CON290 Printed Enquiry (Each) Q4 - Q22	18	20

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Legal & Democratic Advisory Committee Work Plan 2018/19 (as at 14/12/18)

22 January 2019	19 March 2019	27 June 2019	31 November 2019
Legal Successes (Portfolio Holder Update) Brexit Update Update on Licensing Policies Expansion of Licensing Partnership Land Charges - Review of Fees Electoral Services Update	Legal Successes (Portfolio Holder Update) Brexit Update How Licensing Contributes to Child Protection	Legal Successes (Portfolio Holder Update)	Legal Successes (Portfolio Holder Update)

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