

LEGAL & DEMOCRATIC SERVICES ADVISORY COMMITTEE

11th January 2016

Portfolio Holder Update

The last quarter has been a particularly busy for Legal & Democratic Services.

Trading Company – Quercus 7 Limited

- The SDC trading company (needed to support the Council remain independent of direct Government funding and financially secure long-term) was incorporated on 31st December 2015 in the name of Quercus 7 Limited. Because all members of the Council will become shareholders of the new Company and because this Committee is charged with the responsibility to advise Cabinet on the working arrangements of the Company there will be presentation by the Solicitors who have set up the Company at the L&D Services Advisory Committee meeting on 26th January 2016 to which ALL MEMBERS of the Council are warmly invited from circa 7 pm until 7.45 pm. There will be a further briefing at Cabinet on the 4th February if Members cannot attend the Advisory briefing on the 26th January.

Licensing Partnership

- The licensing partnership continues to outperform. So far this financial year the partnership has processed 99.7% of all applications within target and completed a total of 4,818 administrative tasks. In addition, a new and important on-lines form project (Victoria Forms) has been successfully implemented. Further, it was gratifying that just before Christmas on Friday, 18th December 2015, an appeal brought against a decision of this Council's Licensing Sub-Committee to suspend a driver's Taxi licence last year was dismissed. The Central Kent Magistrates Court upheld the Sub-Committee's decision and ordered the driver to pay £9,425 in costs. The case has been widely reported and even made its way into the Local Government Lawyer!
- I have been working closely with the Licensing team to expand the Partnership. In July of this year I met with Cllr Teresa O'Neill OBE, Leader of the London Borough of Bexley, and discussed the possibility of exploring joint working between this Council and Bexley Borough Council. Following further discussions with their Licensing Portfolio Holder a meeting was set up in October at which the Licensing Partnership pitched for Bexley Council to join the Partnership. I met again with the Leader, the Deputy-Leader, and various other Cabinet members in December and we now await formal approval from their Cabinet on 26th January 2016. The next step will be to obtain the consent of members from Tunbridge Wells Borough Council and Maidstone Borough Council to a 4th partner joining the Partnership but all being well the London borough of Bexley will join the Licensing Partnership from June 2016.
- Finally, the Taxi and Private Hire licensing policy has been updated and will go to Full Council next month with a recommendation to increase the number of wheelchair accessible taxis in the District. Currently, less than 2% of our Hackney carriage vehicles (4 out of 204) are wheelchair accessible. This is much lower than our partner authorities and unacceptable given our ageing population and statutory duty under the Equalities Act 1990. The recommendation is to work towards 35% of the fleet being wheelchair accessible but to ease the burden on the trade this will come in for existing licence holders only when they buy a new vehicle after 2018.

Elections

- The process of individual registration is now complete and the new register was published on-time on 1st December 2016 showing a total number of electors of 87,700, up 381 from last year. Unfortunately, the cost of the exercise was more than central Government envisaged and left us with a *forecast* £55,000 over spend. Although we are anticipating that the costs will decrease, reducing the over spend to £40,000 next financial year, one of the challenges is to try and encourage more residents to “**save time & register online**”.
- Late December Cllr Fleming and I had a telephone conference with “Bite the Ballot”, a youth engagement charity, to explore the possibility of running a youth voter registration drive in the District. Although too late for this year, this is an area of work that I hope this Committee might wish to explore for next year.

Equalities

- On the 2nd December 2016 Cllr Pett and I had a meeting with Lee Banks to plan a members workshop to update the Council's Equalities Action plan.
- Cllr Pearsall is also monitoring the new Equalities Select Committee to see if there are any issues which might have a bearing on this Council.

Legal & democratic services

- One of the major challenges last year was a difficult prosecution being brought against SDC by the Health & Safety Executive relating to the death of a motorcyclist who collided with the back of an SDC road-sweeper as it was sweeping a two lane slip road in Swanley. Both Cllr Pett and I attended a number of conferences with junior and senior Counsel and experts including a site meeting to assess whether SDC would be able to mount a successful defence. Unfortunately, despite many challenges, the QC's final advice was crystal clear that SDC should accept liability and plead guilty but on a very limited basis. Cllr Pett and I attended Maidstone Crown Court on the 15th December 2016 and following submissions from our QC the Judge awarded the minimum sentence possible for the two charges, namely, a total fine of £40,000. SDC was also ordered to pay costs of £32,000 but contrary to the report in the Chronicle these will be paid by our insurers.
- On the 8th October 2016 I met with Cllr Lowe, Cllr Stack, Pat Smith, Lesley Bowles and Kelly Webb to discuss strategies for dealing with anti-social behaviour on the part of West Kent tenants including making use of the new powers in the Anti-Social Behaviour, Crime & Policing Act 2014. Victim, rather than perpetrator support, was identified as an area needing more focus.
- Staffing continues to be a challenge in that we are still searching for a permanent planning solicitor as well as now recruiting for a new Head of Legal & Democratic Services. George Lewis left Democratic Services unexpectedly just before Xmas and Charlotte Sinclair went on maternity leave. They are replaced by Josephine Middleton and Mark Avis.
- On the 12th November 2016 there was a tour of the Northern part of the District as requested by members at the Conservative away day and in due course there will be a similar one of the Southern Part of the District.

Governance

- There was a KCC Boundary Review which concluded towards the end of last year. Sevenoaks was the only District Council that submitted any alternative proposals and our proposals (which were agreed by Full Council) were adopted by the Boundary commission for consultation in full. The final KCC division pattern will be announced by the Boundary commission on the 26th January 2016.
- The Governance Committee, which is tasked with continuing to investigate possible future Governance arrangements, invited Cllr Fran Wilson, Group Leader and Leader of Maidstone Borough, to present on Maidstone's decision to return to the Committee system of governance on 20th October 2015. However, this Council's decision to introduce a Hybrid model over the Committee System was chosen as the most appropriate system and appears to incorporate the best of both worlds by allowing through the Cabinet Advisory Committees more Member inclusion.
- The Governance Committee will shortly be canvassing the views of Members on a possible Electoral Review. There is a wide variation in council size across England, not only between different types of authority but also between councils of the same type. The current Government, however, favours smaller Councils and indeed the possibility of fewer Councillors was one of the suggestions raised by members during the budget workshops. As a result a survey will be taking place prior to the next Governance Committee in April to see whether Members would like to invite the Boundary Commission to have an informal dialogue with the Chief Executive and group leaders on the issue of the council size. A useful starting document for members is entitled "Have your say on: council size" and was appended to the last report that went to the Governance Committee in relation to this matter dated 20th October 2015.

Shared Services

- Dartford Borough Council are now buying the Council's HERO project for 2 days a week and our discussions to share our CCTV monitoring capacity with TW/TM are proceeding well.

Cllr Anna Firth
Portfolio Holder for Legal & Democratic Services