

## **LEGAL & DEMOCRATIC SERVICES ADVISORY COMMITTEE**

Minutes of the meeting held on 26 January 2016 commencing at 6.30 pm

Present: Cllr. Firth (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Barnes, Bosley, Eyre, Halford, Mrs. Hunter, Pearsall, Raikes and Ms. Tennessee

Apologies for absence were received from Cllrs. Abraham and Lake

Cllrs. Dr. Canet, Clark, Dyball, Edwards-Winser, Horwood, McGregor, Mrs. Morris and Thornton were also present.

### 19. Minutes

Resolved: That subject to the resolution at Minute 14 being amended to read 'That the report be noted, and the Community Safety Manager asked to report back in six months', the Minutes of the meeting of the Committee held on 8 October 2015 be approved and signed by the Chairman as a correct record.

### 20. Declarations of Interest

No additional declarations of interest were made.

### 21. Actions from Previous Meeting

There were none.

### 22. Update from Portfolio Holder

The Portfolio Holder's update was noted.

The Chairman and Portfolio Holder also reported that the Local Government Boundary Commission for England (LGBCE) had now published their final recommendations for the KCC Division Review which were as per the Council's submission, with one change to the name of one Division. Where the Council had suggested "Sevenoaks East & Darent Valley" (to reflect that Seal and Kemsing were to the East, and the rest Darent Valley) they had changed to "Sevenoaks North & Darent Valley".

The Chairman and Portfolio Holder was also pleased to announce the birth of a baby boy to Assistant Democratic Services Officer, Charlotte Sinclair, and the Committee conveyed their congratulations and best wishes.

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

There were none.

### 24. Scrap Metal Dealers Act 2013: Scrap Metal Dealer Licence Fees 2016/2017

Members considered the report which proposed fees that maintained a 'self financing' position for the service in providing the Council's statutory duty under the Scrap Metal Dealers Act 2013, in accordance with the Council's Service and Budget Plan. It was noted that the recommendation should have read paragraph 24, and the legislation in the title should read 'Scrap Metal Dealers Act 2013' not Local Government (Miscellaneous provisions) Act 1982. This had been corrected on web versions of the report.

In response to questions, the Licensing Partnership Manager advised that the legislation was quite prescriptive as to what could be charged for and that the fees could be reviewed as and when necessary.

#### 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 the appropriate fee levels set out below, be approved

Site Licence – Grant (3 years)	£460
Site Licence - Renewal (3 years)	£390
Collectors Licence – Grant/renewal (3 years)	£280
Minor administrative change to licence -	£30
Variation - change of site manager -	£165
Variation from collector to site licence -	£200
Variation from site to collector licence -	£130

### 25. Work Plan

The work plan was noted. Members discussed and agreed inviting speakers to the summer meeting on youth voter registration and pilot digital elections.

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### **26. Sevenoaks District Council Trading Company Named Quercus 7 Limited**

The Chief Officer Legal & Governance presented a report which provided information on how the new Trading Company Quercus 7 Limited would work operationally and requested Cabinet to approve the current working and further proposed arrangements. It was important that Members were fully informed of the need to have a Trading Company and how the new Trading Company Quercus 7 Limited would work operationally as they would form the Company Shareholders. The views of the Advisory Committee would be taken into account by Cabinet when approving the current working arrangements and further proposed arrangements for the future success of the Company.

The Chairman welcomed Amardeep Gill from Trowers & Hamlins. All Members present had the opportunity to ask a number of questions of clarification concerning the report and proposals.

One of the concerns was that if staff were acting on behalf of the company, but being paid for that time by the Council not the Trading Company, how was that not in breach of state aid regulations. It was noted that it would not be in breach as all time and resources would be specifically accounted for and charged to the Company, however Members wanted to be more certain of this. It was also queried whether there was a need for a Company Secretary, and the salary cost if an external provider was used. Members were advised that there was no specific requirement to have a Company Secretary. Some mention was made of possibly using the relevant Portfolio Holder's Advisory Committee as a scrutiny function of the Cabinet acting as the Trading Board, but other Members thought it was sufficient just to have Cabinet overseeing the activities of the Company. Members also discussed a preference for being able to 'approve' not merely note, the year end reports being presented by the Trading Company to the Annual General Meeting.

With regards to the Non Executive Directors advert, Members wished to add reference to the Greenbelt in the description of the District as well as it being made up of Areas of Outstanding Natural Beauty (AONB).

### **Public Sector Equality Duty**

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

Resolved: That subject to the comments and queries raised above, it be recommended to Cabinet that

- a) the appointment of Chief Officers initially put forward as Directors on incorporation;
- b) the composition of The Trading Board, established to oversee the trading activities of the Company, to comprise the Cabinet with a quorum of three Members to be chaired by the Leader of the Council;
- c) the job description and specification required to recruit the 2 Non-Executive Directors as set out at Appendix B and such recruitment to be either using

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internal resources or through a firm of specialist Management & Recruitment Consultants with an approved budget of up to £6,000 in this respect;

- d) remuneration to be paid to the Non-Executive Directors up to £5,000 each; and
- e) the Chief Officer Legal and Governance in conjunction with the Chief Finance Officer be authorised to finalise a Shareholder Agreement and Loan Arrangements for the Company in conjunction with relevant Portfolio Holders.

### 27. Equalities Workshop

The meeting was to be followed by an Equalities Workshop to consider the Councils equality commitments for 2016 prior to the start of the new financial year. As there would not be a further meeting of the Advisory Committee before a report needed to be taken to Cabinet, the report requested delegated authority for the Portfolio Holder to take forward a report on the Councils draft equality commitments based on the work of the Members Workshop on Equalities.

Resolved; That authority be delegated to the Portfolio Holder for Legal & Democratic Services to take forward a report on the Councils draft equality commitments based on the work of the Members Workshop on Equalities.

THE MEETING WAS CONCLUDED AT 7.55 PM

CHAIRMAN