

LEGAL & DEMOCRATIC SERVICES ADVISORY COMMITTEE

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

Present: Cllr. Firth (Chairman)

Cllr. Pett (Vice Chairman)

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

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

Cllr. Lowe and Purves were also present.

11. Minutes

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

12. Declarations of Interest

No additional declarations of interest were made.

13. Actions from Previous Meeting

There were none.

14. Update from Portfolio Holder

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

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

15. Referrals from Cabinet or the Audit Committee

There were none.

16. Affordable Housing Company

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

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

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

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

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

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

Public Sector Equality Duty

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

Legal & Democratic Services Advisory Committee - 17 October 2017

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

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

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

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

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

Resolved: that the report be noted.

18. Member Training

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

Legal & Democratic Services Advisory Committee - 17 October 2017

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

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

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

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

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

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

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

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

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

Legal & Democratic Services Advisory Committee - 17 October 2017

Public Sector Equality Duty

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

Resolved: That it be recommended to Cabinet that

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

20. Work Plan

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

THE MEETING WAS CONCLUDED AT 9.10 PM

CHAIRMAN