

Scrutiny Committee – Tuesday, 5th February 2019

Legal and Democratic Services Portfolio Holder Report

Cllr Anna Firth

Trading & Housing companies

Successes

- Quercus 7 Ltd, which was set up to enable Sevenoaks District Council to invest in property on a commercial basis contributing to the Council's strategy of self-sufficiency, completed its first purchase on 21st January 2019. This was a 3/4 bedroom house in Westerham bought for £497,633. The property will be let privately as soon as possible and is expected to achieve close to a 6% average return over a 10 year period. The required return is a 5%, 10 year average. This forms the first part of a two part investment which in total exceeds £1 m thereby meeting the Council's investment criteria.
- Conditional offers have also been made on two other developments within the District for which due diligence is on-going. In accordance with the current financial plan Q7 remains set to start making a cumulative profit from 2019/2020 but great care must be taken due to the uncertain property market.
- **Set up Quercus Housing Ltd** to provide more affordable housing within Sevenoaks District by making effective use of s106 commuted sums. £6 million has been earmarked for Quercus Housing to be transferred on a scheme by scheme basis, and work is progressing on two potential schemes within the District.
- Like Quercus 7 the Council is the Shareholder of the Company. Unlike Quercus 7, however, the priority of Quercus Housing is to pursue a social purpose, without any expectation of profits being returned to the Council, or a cost to the Council as Shareholder. After company running costs, maintenance and other necessary costs, the Company will reinvest any profits in additional affordable housing. The strategic priorities of the Company are to:-
 - Increase affordable housing supply (in line with the Government's definition) available for SDC's use
 - Contribute to meeting housing needs as set out within the Council's Housing Strategy and Local Housing Needs Study (May 2017) and as identified by the Council's Homelessness team based on their experience of helping people who are homeless and for whom the Council has a statutory duty
 - Provide temporary accommodation thus avoiding the use of B&B
 - Support older people to downsize and free up family homes
 - Meet the needs of working people on lower incomes
 - Provide rented and shared ownership options
 - Invest in assets that deliver a long term financial return to the Council so that this may be reinvested in additional affordable housing
 - Provide an ownership vehicle for affordable homes built by Quercus 7 where required under s106 Planning agreements

- Make use of available s106 commuted sums

Challenges

- On-going need to secure a sustainable income for the Council in order to maintain high level services against a backdrop of zero Government support
- The need to increase housing across all tenures including both private and social rented accommodation to house an increasing and ageing population.
- The need to increase the amount of temporary accommodation and affordable housing, particularly in the one and two bedroom category in the District.

Legal & Democratic Services

The legal team is currently made up of 3 lawyers: Martin Goodman, Head of Legal Services & Monitoring Officer, David Lagzdins, qualified Solicitor and Farah Mahomed, Trainee Solicitor.

Successes

- **The Legal Team were awarded Full Lexcel accreditation** in July 2018 following a full assessment. This is the result of some very hard work by legal officers and shows that the legal team can stand shoulder to shoulder with the best run law firms and in-house providers in the Country.
- **The Council won Civic Office of the Year Award** for the service given by democratic services on a shoestring to supporting the Chairman.
- Undertaken a great deal of successful legal work as shown by the table attached to this report.
- Delivery of a full new member training programme following the very positive response to the “Investing in Members Survey” two years ago.

Challenges

- Staffing – planning lawyer problems. Since September the legal team has been seeking a Principal Planning Lawyer, the former incumbent having left to pursue a career in the private sector. A full recruitment process is underway and the latest advertisement closes on 21 January 2019. While it is regrettable that previous recruitment processes were not successful, since September interim solutions (such as engaging a locum barrister) have been put in place to ensure full coverage for necessary legal work.
- Encouraging greater member take-up of training. Despite overwhelming desire for a training programme and the training programme being designed to cover topics members had requested, member uptake was very disappointing.

Licensing

Successes

- Successfully bedded in the London Borough of Bexley into the Licensing Partnership.
- Approached by the London Borough of Bromley to join the LP.

- **Continued excellent performance across licensing partnership.** The performance for Sevenoaks and across the partnership has continued to be either excellent (100% target achievement) or very good (where an odd few application may have missed target or compliance checking couldn't be done). Where targets have been missed on occasion this has always been down to staff shortages (combinations of vacancy/leave/sickness).

Challenges

- Possible incorporation of LB of Bromley. Rather than simply joining on the same basis as the other 4 partners, the LB of Bromley would prefer to contract Sevenoaks to provide their progression of contentious applications & enforcement in addition to processing their licensing applications. This added level of integration is a great credit to the reputation of the LP and the Sevenoaks Hub team in particular, however, it would require the appointment of a Deputy Licensing Manager since having 5 licensing authorities to oversee, including added work for one, would simply be too much for one person.
- The benefits, however, of a fifth partner joining are two-fold:
 - it strengthens the partnership and provides even greater resilience for all the partners (and may put us in a unique position of being the largest partnership in the country)
 - it provides the future option for further savings should a 6th partner join since there should be no additional management costs so all partner's contributions to the costs (based upon the volume of work as a percentage) would further decrease hence paving the way for greater savings in the future.

Electoral services

Successes

- Successful delivery of three elections in 2018 (2 Town Council wards and 1 District Council ward).
- Successful delivery of annual IER canvass including a 14% increase in online returns from 42% to 56% between 2017 and 2018.
- Successful use of tablets by our electoral canvassers thus reducing print costs and reducing the number of paper forms to be scanned and processed.
- One of, if not, of the leading District Council in the Country for youth democratic outreach. Last year we set up and piloted an electoral registration programme in secondary Schools with the help and support of Olympic Champion, Skeleton Bob, Lizzy Yarnold
<https://www.youtube.com/watch?v=jDQ05bnERDU>

Challenges

- Continued drive towards on-line IER thereby containing costs.