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Scrutiny & Overview Committee

Meeting held on Tuesday, 11 October 2022 at 6.30 pm in Council Chamber, Town Hall,
Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillors Rowenna Davis (Chair), Councillor Richard Chatterjee (Vice-Chair),
Leila Ben-Hassel (Deputy-Chair), Jade Appleton, Sean Fitzsimons and
Simon Fox

Also Present: Councillors Jason Cummings, Matthew Griffiths and Stuart King.

PART A

52/22 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 6 September 2022 were agreed as a correct record.

It was noted that an extra recommendation relating to the Community Safety Partnership item considered on the previous agenda had been proposed by Councillor Tamar Nwafor after the meeting. The recommendation proposed that the Council should investigate the potential for introducing domestic abuse champions in local communities across the borough. This additional recommendation was agreed.

Resolved: That the following recommendation is submitted to the Cabinet for its consideration:-

That the potential for introducing a scheme to train Domestic Abuse Champions within local communities across the borough is investigated as an action in the forthcoming Violence Against Women and Girls Strategy.

53/22 **Disclosure of Interests**

There were no disclosures of interest made at the meeting.

54/22 **Urgent Business (if any)**

There were no urgent items of business for consideration by the Scrutiny & Overview Committee.

Note: At this stage of the meeting the Chair proposed that the order of the agenda be amended to bring the 'Council Tax Recovery, Collection & Enforcement' item forward, to become the first substantive item, as external guests were in attendance for this item.

55/22 **Council Tax Recovery, Collection & Enforcement**

The Committee considered a report set out on pages 25 to 102 of the agenda, which provided an overview of the Council's Council Tax recovery, collection and enforcement processes. This report had been requested by the Committee as part of its ongoing review on the impact from the cost of living crisis.

Prior to the meeting, the Committee had held a community meeting with residents and representatives from the community & voluntary sector to discuss their experience with Council Tax enforcement. A summary of this meeting can be found appended to the main report. Rhiannon Hughes, Community Engagement Manager, from the South West London Law Centre, attended the meeting to provide further insight into the experience of residents and a representation was made by Claire Keetch, the Manager of the Croydon Citizens Advice Bureau which was read out at the meeting. These representations set out a range of specific actions that could be implemented by the Council to support residents who had fallen into Council Tax arrears and highlighted the importance of the advocacy provided to residents by their respective services.

The Committee put on record its thanks to the two organisations for their support in arranging the community meeting and for the insight their representations had added to the meeting. It was agreed that the Committee would recommend that a formal response is provided by the Council to the issues raised in the respective representations.

Following these representations, the Head of Payments, Revenues, Benefits & Debt, Catherine Black, introduced the report and provided an initial response to the issues raised at the community meeting. During the introduction, the following was noted: -

- The team had been in contact with the CAB and SWLLC following the community meeting to begin engagement meetings with them.
- The information on the Council's website was being updated to provide clear timelines and diagrams on the collection process. The information relating to residents' rights and potential discounts was being reviewed and updated as needed.
- A document had been prepared for staff providing comprehensive guidance about where to signpost people in need of support for a range of issues including welfare and debt advice, and mental health support. Refresher training had also been delivered to staff on where to signpost residents for debt support.
- Officers would be reviewing the vulnerability policy for Council Tax collections and providing training, with input due to be sought from CAB and SWLLC to inform this process.
- A new telephony system had recently been installed across the Council with early indications, from a significantly reduced call abandon rate, demonstrating that the new system was making it easier for residents to contact the Council.
- Staff had been given training on how to translate the Council's web pages in to other languages, which could be sent to residents. The team was also working with the Croydon Digital Service team on adding translation capability for users to the website.
- A reminder had been sent to all enforcement agents about adhering to the Council's code of conduct, which had been updated to take account of the cost of living crisis. It was highlighted that every agent wore a camera and the footage was available upon request if there were reports of poor behaviour.
- The enforcement agencies contracted by the Council used a RAG rating system to identify vulnerable residents, which was used to guide the approach taken. Most of the agencies had a welfare support team and if agents identified a potentially vulnerable resident, they would be referred to this team.
- It was being found that payment arrangements were increasingly being made for lower payment amounts over longer periods of time, which may be a result of the cost of living crisis.

- Enforcement agents had a fund that could be applied for to provide support with arrears and food parcels if needed.

Following the introduction, the Committee was given the opportunity to ask questions about the information provided in the report, which was informed by the feedback given at the community meeting. The first question asked whether teams across the Council were collaborating effectively to support residents with multiple needs. It was advised that teams did work together to provide a joined up response, with work between the Council Tax and Housing teams highlighted as an example. The Committee agreed that as part of the wider governance improvement work of the Council, further consideration needed to be given to how it could be evidenced that teams were working effectively to support.

In response to a question about face to face appointments for residents wanting to discuss their arrears, it was confirmed that these could be facilitated if needed. It was also suggested that it may be useful for advocacy groups such as the CAB and SWLLC to have a means of contacting the Council Tax team directly given the number of residents they supported.

Following concerns raised by residents at the community meeting about the clarity of the written correspondence received from the Council about their arrears, it was questioned whether letters had been reviewed in terms of literacy. It was confirmed that correspondence had not been reviewed. The Committee agreed it would recommend that correspondence was reviewed as it was important to ensure residents were able to understand the process and what action they needed to take to avoid unnecessary escalation.

It was confirmed that two complaints had been received about enforcement agents since December 2021, one of which was upheld and neither of which related to the internal enforcement team. The Committee suggested that as part of the work to review the information provided on the Council's website, it would be helpful to have the complaints process clearly signposted. It was also suggested that there needed to be clear signposting to information on areas of support available such as how to access hardship funds.

It was confirmed that since the introduction of the new Council Tax Support Scheme in April 2022, the Council did not instigate enforcement action against residents in receipt of Council Tax Support. Following on from this, it was noted that the wording of the 'taking control of goods' letter sent to residents regarding enforcement was written following legislative requirements. Given that alternatives to the seizure of goods were sought in the first instance, it was suggested that the potential for further explaining the process alongside the legislative wording of this letter should be explored. It was also suggested that local MPs could be contacted about championing changes to the legislative wording in Parliament, along with changing the law

preventing payment arrangements being reached following the issue of a summons.

In response to a question about whether the enforcement agencies contracted by the Council had set targets., it was confirmed that there were soft targets in place. The main driver for the agencies was to reach payment arrangements for the arrears, even if this involved smaller payments over longer terms and enforcement visits were the last option. It was also confirmed that there was no minimum amount for repayment.

It was questioned why the Council used six external enforcement agencies and whether this was comparable to other boroughs. It was confirmed that six agencies were used as the service was combined with parking enforcement, which required that number of agencies. The services were beginning to look at future options for enforcements once the current contract ended.

It was confirmed that the key performance indicators for the service were currently under review. The Committee agreed that in order to contribute to the wider understanding of the Council's financial position at any given time and to provide reassurance about the experience of residents any indicators needed to be a mix of qualitative and quantitative.

At the conclusion of this item the Chair thanked the officers, residents and external partners for their engagement with the Committee.

Conclusions

At the end of the item the members of the Scrutiny & Overview Committee reached the following conclusions:-

1. The Committee thanked the South West London Law Centre and the Croydon Citizens Advice Bureau for their support in helping the Committee to prepare for this item, through convening a community meeting to hear directly from residents about their experience of Council Tax Enforcement. The Committee also welcomed the submissions put forward from these organisations and would request that a formal response is provided by the Administration addressing the issues raised.
2. The Committee would also like to put on record its thanks to the Head of Payments, Revenue, Benefits and Debt, Katherine Black, and her team for their engagement with the scrutiny process. The sensitivity displayed at the community meeting to the often upsetting evidence

provided was commendable and their subsequent response to address the issues raised should be held up as an example of best practice.

3. From its review of Council Tax enforcement, the Committee identified that a relatively cost effective means of improving the service would be to review the wording of correspondence sent to residents in Council Tax arrears, as the feedback received at the community meeting would suggest that it could be misinterpreted as being more final than the Council's collection processes actual were.
4. Similarly, the Committee would recommend that information provided on the Council's website is also reviewed to ensure that it was accessible for a range of literacy levels and prominently displayed the support and advice that was available for residents facing financial difficulty.
5. The Committee was keen to seek further evidence that Council services worked together to support residents with multiple needs. It was agreed that there needed to be a mechanism in place that would demonstrate to all Members that services cooperated effectively for the benefit of residents.

Recommendations

The Scrutiny & Overview Committee agreed to make the following recommendations for the consideration of the Mayor in Cabinet.

1. That a formal Administration response is provided to submissions of the South West London Law Centre and the Croydon CAB made at the Scrutiny & Overview Committee meeting, addressing the issues raised in these submissions.
2. That officers are asked to review the literacy of formal communication with residents to ensure they meet best practice in terms of accessibility.
3. That officers are asked to review and, subject to national requirements, amend the wording on the Taking Control of Good Notices, to ensure they reflect the Council's own approach to enforcement.
4. That the Cabinet Member for Finance writes jointly to all three Croydon MPs asking them to: -

- a. Champion in Parliament changing the legislated wording of the 'Taking Control of Goods Notices' and
 - b. Champion in Parliament changing the legislation around enforcement, including the requirement preventing pay arrangements being reached following a summons being issued.
5. That when they are next reviewed, officers are asked to ensure that the key performance indicators for Council Tax service present both a quantitative and qualitative overview.
6. That officers are asked to review the Council's website to ensure that:
- a) residents' rights are clearly set out, including how to make a complaint,
 - b) that advice and hardship services are signposted and
 - c) the criteria for funds, such as the Hardship Fund, are clearly explained.
7. As part of the wider improvement journey of the Council, consideration is given to the evidence that can be provided to reassure Members that there is improved collaboration across services to support residents with multiple needs.

56/22

Call-In: Mayor in Cabinet Decision on Temporary Workers Staffing Contract

The Committee considered a call-in request as set out on pages 5 to 24 of the agenda along with additional information in the second supplementary agenda concerning the decision made by the Mayor in Cabinet on the Temporary Workers Staffing Contract. In introducing the item, the Chair outlined why the call-in request had been made and explained the process for considering a call-in. Confirming that the Committee needed to agree whether to review the decision and if it was decided to proceed, it had to confirm how much time it wished to allocate for the discussion of the item. The Committee agreed that it would review the decision and allocated ninety minutes for its consideration.

The Chair went on to explain that there were three outcomes the Committee could reach following its review of the decision. These were: -

1. That no further action was necessary and the decision could be implemented as originally intended.
2. To refer the decision back to the decision maker for reconsideration, outlining the nature of the Committee's concerns
3. To refer the decision to Council, if the Committee considered that the decision taken was outside of the Budget and Policy Framework.

Before opening the item for the Committee's questions, the Cabinet Member for Finance, Councillor Jason Cummings, and officers were given the opportunity to respond to the call-in. During this response, the following was noted: -

- Staff wages accounted for the majority of spend within the contract and there was no separate budget held for agency staff.
- It was unlikely that the upper limit of the contract would be reached and there was no requirement within the contract to reach the full value spend.
- The framework route had been chosen as it presented the best value for the Council from the additional buying power acquired through participating in a London wide framework.
- The rates for the contract were locked in place for its duration.
- A managed service provider was the best mechanism for the Council to both manage market forces and achieve best value.
- Data provided by London Councils indicated that Croydon was sitting in the middle of London boroughs in terms of agency spend, which had dropped over the last two years.
- Additional controls were in place through the spend control process to ensure that the Council recruited in the most efficient way.

Following the introduction to this item, the Committee proceeded to review the decision with a view to reaching a conclusion on the call-in. The first question highlighted that the Council was in the process of developing a People Strategy and as such questioned whether this contract would meet the needs of the strategy. In response it was advised that the strategy would look at

longer term issues such as recruiting to the Council, the Council's reputation as an employer and the package provided to staff. The contract was for temporary workers whereas the focus for the strategy would be permanent staff.

It was questioned whether the contract would provide the range of recruitment required by the Council to enable it to recruit to specialist roles. It was confirmed that it was a wide ranging contract, with specialist providers who could be used to source and headhunt skills scarce candidates. The HR team had regular meetings with teams in skills scarce areas to raise any issues that could be relayed to the vendor. It was highlighted that difficulties with recruitment were not unique to Croydon, with challenges in the labour market nationally.

It was confirmed that the Council did not currently collect data on the number of times a temporary contract was extended. The Committee agreed that data on the number of renewals should be tracked as part of the contract monitoring process.

It was noted that the Council had reduced its spend on temporary staff over the past two years and as such it was questioned whether the new contract would assist with this. It was advised that the reporting systems in place would allow expenditure to be monitored. It was repeated that there was no minimum spend in the contract and it was down to individual departments to manage this. Furthermore, any new expenditure would need to be authorised by the Spend Control Panel.

It was questioned whether the new contract would reduce the use of the redeployment pool. It was confirmed that it was a legal requirement to offer roles to a redeployment worker and it was important that a cost assessment was made to establish the viability of retraining someone from the redeployment pool for a new role. Should it not be viable, then there was still a need to have a facility in place to recruit temporary workers when needed.

It was confirmed that the journey towards awarding the contract began in 2017 when the Council led the evaluation panel for the framework. By using the framework option, it provided significant economies of scale, as 17 other local authorities were already using it.

In response to a question about how the performance of the contract would be evaluated, it was advised that it would primarily be evaluated on a financial basis. The Committee agreed that there needed to be a wider scope for the evaluation of the performance of the contract beyond purely financial terms. It was also agreed that it should be standard practice for all Council contracts to have a range of quantitative and qualitative indicators in place to enable performance to be robustly assessed.

It was noted that the MStar3 Framework had been in place since 2019 and during that time the labour market had changed significantly. As such reassurance was sought that the framework still represented the best option for the Council. In response, it was advised that an updated MStar4 framework was likely to replace the existing framework in 2023, but as it was likely to be more expensive, it was a good option for the Council to lock in its contract to the costs of the current framework. Although there were no known imperatives to prefer the forthcoming MStar4 framework over the current MStar3 framework, there was scope to end the contract if the Council decided it wanted to move to the new framework.

It was questioned whether any of the information set out in the confidential part of the report could have been included in the public version of the report. It was advised that as much information as possible was included in the Part A report and justification was needed to place information in a confidential, Part B report. This decision was often a matter of judgement based on an assessment of the risk from publication. Regarding this report, the decision to place information in a confidential report was based on the grounds of commercial confidentiality and legal professional privilege. The Committee agreed that the report had raised a wider issue about confidential information and agreed that the Council's approach should be clarified and training provided to ensure that both Members and report authors were clear on the grounds for withholding information and when it should be used.

At the conclusion of this item the Chair thanked the Cabinet Members and officers for their engagement with the scrutiny of the Committee.

Conclusions

At the end of the item the members of the Scrutiny & Overview Committee reached the following conclusions:-

1. In reviewing the Call-In request made on the Temporary Workers Staffing Contract, the Committee concluded that evidence it received in the report responding to the call-in, together with the evidence heard from the Cabinet Member for Finance and officer sat the committee meeting, provided sufficient reassurance that the issues raised had been addressed. As such it was agreed that no further action was necessary and the decision could proceed with immediate effect.
2. However, in considering the call-in the Committee also concluded that there were wider issues raised that needed to be addressed. One such issue was the Council application of section 12A of the 1972 Local Government Act regarding the provision of withheld information in Committee reports. The Committee agreed that there seemed to be a lack of clarity over the exact requirements of this provision and that

further guidance was required for both Members and report authors to understand what information could and could not be disclosed.

3. Another key issue raised by the Committee was the information collected by the Council to evaluate the success of its contracts. There seemed to be an emphasis towards the purely financial aspects of contracts, but the Committee agreed that the evaluation process needed to include a qualitative framework as well as standard for all contracts awarded.

Recommendations

The Scrutiny & Overview Committee agreed to make the following recommendations for the consideration of the Mayor in Cabinet.

1. That the Monitoring Officer be asked to: -
 - a) review the Council position on the disclosure of information to ensure that there is a presumption toward publication, unless doing so would present an obvious legal risk, and
 - b) provide clear, practical guidance on what information should be provided in Part A & B reports to provide clarity for both report authors and Members.
2. That the Monitoring Officer be asked to review the provision of legal guidance contained in reports to ensure: -
 - a) The potential risks and their mitigations of a decision are clearly explained and avoid ambiguity, and
 - b) Where a confidential report is required, there needs to be a clear explanation of the grounds for this in the public part of the agenda.
3. That all Members are offered training on what information should be available in Parts A and B of a meeting and why.
4. That any contracts awarded by the Council need to have a qualitative framework in place to ensure that an evaluation can be made on the success of the contract beyond the purely financial, and that staff from a variety of levels are included in this process.

5. That officers are asked to proactively track data on how many times individual staff contracts are re-extended to be able to better evaluate the service.
6. That officers are asked to engage with organisations including the Greater London Employment Forum when preparing the People Strategy.
7. That the Chair of Scrutiny is given the opportunity to input into the latest constitutional review, where appropriate.

57/22 **Establishment of Scrutiny Sub-Committee**

The Committee considered a report set out in the agenda supplement 1 which proposed splitting the remit of the Streets, Environment & Homes Sub-Committee to set up a separate Home Sub-Committee.

Resolved: The Committee agreed :-

1. That the remit of the Streets, Environment & Homes Sub-Committee will be divided through the formation of a separate Homes Sub-Committee until the end of 2022-23 Council year.
2. That the terms of reference for both the Streets & Environment and the Homes Sub-Committees, as set out in section 3 of the report, are agreed.
3. That the requirement for the seats on the Sub-Committees to be allocated in line with the overall political balance of the Council will be waived.
4. That the appointments (including regular and reserve members and chairs and vice-chairs) to the Sub-Committees are agreed.
5. That the provisional work programme for Homes Sub-Committee is agreed
6. To note that the existence of the Home Sub-Committee will be reviewed by the Scrutiny Chairs, in consultation with officers and other partners following the final sub-committee meeting of the Council year.

7. To note that Sub-Committee arrangements will revert to three sub-committees (Children & Young People, Health & Social Care and Streets, Environment & Homes) from the start of the 2023-24 council year, unless the Scrutiny & Overview Committee resolves otherwise.

58/22 Exclusion of the Press and Public

The following motion was moved by Councillor Rowenna Davis and seconded by Councillor Richard Chatterjee to exclude the press and public:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs 3 & 5 indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

The motion was put and it was agreed by the Committee to exclude the press and public for the remainder of the meeting.

59/22 Call-In: Mayor In Cabinet Decision On Temporary Workers Staffing Contract

Please note that a full confidential minute has been produced of the Committee’s discussion held in the exempt session.

During this part of the meeting, the areas questioned by the Committee included whether the procurement used delivered the best value for the Council, the management of the contract and the risks associated with the recommended approach.

The meeting ended at 9.40 pm

Signed:

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Date:

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