

Scrutiny committee

Date: Thursday, 22 March 2018

Time: 16:30

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

All group pre-meeting briefing – 16:00 Mancroft Room

This is for members only and is not part of the formal scrutiny committee meeting which will follow at 16:30. The pre-meeting is an opportunity for the committee to make final preparations before the start of the formal meeting. The public will not be given access to the Mancroft room before 16:30.

Committee members:

Councillors:

Wright (chair)
Brociek-Coulton (vice chair)
Bogelein
Bradford
Bremner
Coleshill
Grahame
Haynes
Jones (B)
Manning
Malik
Ryan
Thomas (Va)

For further information please contact:

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Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

Agenda

Page nos

1 Apologies

To receive apologies for absence

2 Public questions/petitions

To receive questions / petitions from the public

Please note that all questions must be received by the committee officer detailed on the front of the agenda by **10am on Monday 19 March 2018**.

Petitions must be received must be received by the committee officer detailed on the front of the agenda by **10am on Wednesday 21 March 2018**

For guidance on submitting public questions or petitions please see appendix 1 of the council's constitution.

3 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

4 Minutes

5 - 10

To approve the accuracy of the minutes of the meeting held on 22 February 2018

5 Norwich City Council debt collection policy

11 - 34

Purpose - To review the implementation of the debt collection policy

6 Scrutiny committee annual review

35 - 64

Purpose - To consider the annual review of the work of the scrutiny committee 2017 - 18

Date of publication: **Wednesday, 14 March 2018**

- T** is this, the right **TIME** to review the issue and is there sufficient officer time and resource available?
- O** what would be the **OBJECTIVE** of the scrutiny?
- P** can **PERFORMANCE** in this area be improved by scrutiny input?
- I** what would be the public **INTEREST** in placing this topic onto the work programme?
- C** will any scrutiny activity on this matter contribute to the council's activities as agreed to in the **CORPORATE PLAN**?

Once the TOPIC analysis has been undertaken, a joint decision should then be reached as to whether a report to the scrutiny committee is required. If it is decided that a report is not required, the issue will not be pursued any further. However, if there are outstanding issues, these could be picked up by agreeing that a briefing email to members be sent, or other appropriate action by the relevant officer.

If it is agreed that the scrutiny request topic should be explored further by the scrutiny committee a short report should be written for a future meeting of the scrutiny committee, to be taken under the standing work programme item, so that members are able to consider if they should place the item on to the work programme. This report should outline a suggested approach if the committee was minded to take on the topic and outline the purpose using the outcome of the consideration of the topic via the TOPIC analysis. Also the report should provide an overview of the current position with regard to the topic under consideration.

By using the flowchart, it is hoped that members and officers will be aided when giving consideration to whether or not the item should be added to the scrutiny committee work programme. This should help to ensure that the scope and purpose will be covered by any future report. The outcome of this should further assist the committee and the officers working with the committee to be able to produce informed outcomes that are credible, influential with SMART recommendations.

Specific, Measurable, Attainable, Relevant and Time-bound

Scrutiny committee and a protocol for those attending meetings of the scrutiny committee

- All scrutiny committee meetings will be carried out in a spirit of mutual trust and respect
- Members of the scrutiny committee will not be subject to whipping arrangements by party groups
- Scrutiny committee members will work together and will attempt to achieve evidence based consensus and recommendations
- Members of the committee will take the lead in the selection of topics for scrutiny
- The scrutiny committee operates as a critical friend and offers constructive challenge to decision makers to support improved outcomes
- Invited attendees will be advised of the time, date and location of the meeting to which they are invited to give evidence
- The invited attendee will be made aware of the reasons for the invitation and of any documents and information that the committee wish them to provide
- Reasonable notice will be given to the invited attendee of **all** of the committees requirements so that these can be provided for in full at the earliest opportunity (there should be no nasty surprises at committee)
- Whenever possible it is expected that members of the scrutiny committee will share and plan questioning with the rest of the committee in advance of the meeting
- The invited attendee will be provided with copies of **all relevant** reports, papers and background information
- Practical arrangements, such as facilities for presentations will be in place. The layout of the meeting room will be appropriate
- The chair of the committee will introduce themselves to the invited attendee before evidence is given and; all those attending will be treated with courtesy and respect. The chair of the committee will make sure that all questions put to the witness are made in a clear and orderly manner



SCRUTINY COMMITTEE

16:30 to 18:40

22 February 2018

Present: Councillors Wright (chair), Brociek-Coulton (vice chair) Bogelein, Bremner, Driver (substitute for Bradford), Grahame, Haynes, Jones (B), Malik, Manning, Ryan and Thomas (Va)

Apologies: Councillors Bradford and Coleshill

1. Declarations of interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 25 January 2018 and 7 February 2018.

3. Update of the representative on Norfolk Health Overview and Scrutiny Committee

An update would be circulated by email to members of the scrutiny committee following the meeting.

RESOLVED to ask the NHOSC representative to circulate an update via email to scrutiny committee members.

4. Scrutiny committee work programme

Members discussed the scope for the enforcement item on the work programme. It was agreed that the following scope would be presented to the appropriate officers:

Norwich City Council debt collection policy

Debt is a significant and growing cause of distress, up to and including homelessness. Council tax and council rent are priority debts, and must be collected in the most effective way possible, while supporting the journey of the person in debt from financial distress to liveable budgeting, in some cases via fluctuating incomes from the gig economy and universal credit.

Norwich City Council is required to collect monies from both individuals and businesses for a variety of reasons and has a legal duty to recover all sums due to it efficiently and effectively. The debt collection policy reflects the legal requirements the council must meet for safeguarding public money.

In collecting these funds it is inevitable that the council will be required to pursue the recovery of arrears from persons and or businesses that do not pay such accounts. However, in accordance with the council's charging policy, wherever possible up front or point of activity charges will be collected so the council neither encourages nor incurs debt.

The policy sets out how the council manages and collects debt to ensure consistency of practice across council services.

This policy covers all debts owed to the council including:

- council tax
- rents, both housing and others, e.g. garages and commercial
- service charges / rechargeable repairs
- benefit overpayments
- business rates or national non domestic rates (NNDR)
- general debtors, e.g. unpaid fees and charges
- legal / court costs
- penalty charge notices (parking contraventions).
- loss of business rates from Airbnb properties

The council seeks to be "fair but firm" and has access to the full range of collection and recovery methods if debts are not paid. This includes enforcement action if an arrangement for debts to be paid cannot be agreed, against deliberate non-payers or those who delay payment.

Scrutiny committee will review the implementation of the debt collection policy and that the council's use of enforcement powers to recover debts is consistent with the policy objectives.

RESOLVED to note the scope for the enforcement item for the March meeting of the scrutiny committee.

5. Housing conditions in the private rented sector

The chair welcomed the two speakers - Andy Fretwell of the Eastern Landlords Association and Michael Deakin of Shelter.

The private sector housing manager presented the report. He highlighted the increase of households in the private rented sector with children, which reflected the changes in the housing market.

He said that a registration scheme had been launched in 2016. Landlords could identify their properties and sign up to a national code of conduct which showed prospective tenants that they were considerate landlords. This scheme was suspended due to a lack of participation but the private sector housing manager said that such a scheme could have a role to play in the future.

The government would be extending mandatory licensing for Houses of Multiple Occupation (HMO) which for Norwich City Council would mean an increase from around 200 to approximately 1000 properties. The resource implications of this on a small team would mean that this would need to be the focus of the work for the next two years and then a review of an additional licensing scheme could be undertaken.

The chair invited Andy Fretwell to address the committee.

Andy gave an overview of the role of the Eastern Landlords Association (ELA). He said that the ELA provides training for landlords in partnership with a firm of solicitors, on topics such as legislation and taxation and also have legal surgeries.

He said that poor quality landlords would not join a voluntary registration scheme. There needed to be an incentive for landlord to join such a programme. He suggested that a membership card system could be implemented which would be revoked if there were any problems with the landlord. The card would need to be shown in order to rent out a property.

Licensing and accreditation schemes penalised good landlords and didn't seem to assist in identifying 'rogue' landlords. Andy said that ELA would like to see a licensing scheme aimed at identifying bad landlords.

In terms of resources, Andy said that the Fitness for Human Habitation Bill would mean that tenants could take landlords to court themselves which would ease the strain on local authorities.

The chair thanked Andy Fretwell and invited Michael Deakin to address the committee.

Michael said that he worked for Shelter Eastern Counties. They provided such services as defending or counter claiming against court orders and eviction notices and gave advice and guidance to tenants.

He said that the advice and guidance team did a lot of work around dampness and mould in properties. He said that sometimes this could be due to the age of the property but could also be a result of lifestyle. Treatment kits were available to tenants as well as template letters to landlords and local councils.

He recounted a case study to the members in which a tenant was served a section 21 notice by their landlord as they had complained to the council about a boiler not working. The tenant did not have alternative accommodation and therefore had to approach the council's homelessness team. This would be replicated across the country which could lead to higher levels of homelessness. He said that there needed to be a change so that landlords did not feel that they had to serve section 21 notices to cover themselves.

General discussion ensued.

In response to a question from a member, the private sector housing manager said that there had been a change in the law to prevent retaliatory evictions. Tenants would need to put their complaint in writing to their landlord. The council provided templates for them to do this. He said that some tenants were reluctant to pursue complaints as it was difficult to find alternative accommodation if a section 21 notice was served. As demand for properties was high, landlords could be assured that they would find another tenant easily.

Members discussed the possibility of running a voluntary scheme alongside the mandatory licensing for HMOs. The private sector housing manager said that there were planning issues around licensing HMOs as the council would need to have a comprehensive scheme identifying the location of all HMOs. The team would be moving from 200 to approximately 3000 properties needing to be licensed with this kind of scheme which would have huge resource implications.

Michael Deakin said that tenants needed a secure tenancy so that they felt they could take their own action against bad landlords. Housing benefit payments being paid directly to the landlord would help with this as would an incentive for signing up, such as a new boiler programme.

In response to a question from a member, the private sector housing manager said that landlords could be perceived as being 'bad' for different reasons. It could be that the relationship between landlord and tenant had broken down or it could be the condition of the property.

Proactive targeting was taking place to try and identify bad landlords such as inspecting properties on certain roads and being aware of 'portfolio' landlords. A compulsory property registration scheme would be more useful than a licensing scheme as the council would know the location of all rented accommodation, who the landlord was and an address for the service of notices.

Andy Fretwell said that landlords wanted continuity of tenants and the ELA was finding that more and more were offering longer tenancies of twelve months rather than the standard six months.

In response to a member's question, the private sector housing manager said that a government consultation on mandatory HMO licensing had taken place in December 2017 but there was no firm date for the implementation due to secondary legislation needing to be laid down. A tentative date of October 2018 had been given. If the mandatory scheme was not being imposed, the council would be looking into an accreditation scheme. The registration scheme previously on offer had been suspended as no landlords had registered.

Members discussed the Fitness for Human Habitation bill and restrictions on tenants. Andy Fretwell said that currently, around ninety percent of properties were not available to be rented by those in receipt of housing benefit which was often due to stipulations on the landlord's mortgage terms. The ability to have the housing payment paid directly to the landlord may assist with this.

(Councillor Beth Jones left the meeting at this point)

In response to a question from a member, the private sector housing manager said that the complaints regarding landlords can be taken from third parties but procedures have to be followed. The council had an obligation to inform the landlord where an inspection was to be undertaken and this would generally be assumed to be the result of a complaint. The council would be as discreet as possible but if further legal action was to be taken, statements would have to be given by the tenant and they could expect the fact that they had made complaint to be made known to the landlord.

The chair thanked the speakers for their attendance,

RESOLVED to ask cabinet to consider:-

- (1) Resourcing, far earlier, the introduction of additional HMO licensing in conjunction with a relaunched property registration scheme,
- (2) writing to the two Norwich MPs to ask them to investigate when the mandatory licensing scheme would be commencing
- (3) funding for more environmental health officers to inspect properties and try to identify rogue landlords; and
- (4) working with other organisations to facilitate private sector tenants forums.

CHAIR

Norwich City Council
SCRUTINY COMMITTEE

Item No 5

REPORT for meeting to be held on 22 March 2018

Norwich City Council debt collection policy

Summary: The scrutiny committee has asked to review the implementation of the debt collection policy and that the council's use of enforcement powers to recover debts is consistent with the policy objectives.

Conclusions: The council has in place an effective debt collection policy and processes that allows debt to be collected whilst working with and supporting customers who have difficulty making payment.

Recommendation: That the scrutiny committee considers the evidence presented at this meeting and considers any recommendations it may wish to make.

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Debt collection policy

1. In June 2014 Cabinet resolved to approve the updated debt collection policy.
2. This update (Version 1.2 - 25 June 2014) is the current debt collection policy for the council and is attached as appendix A.
3. The policy introduction states:

Norwich City Council is required to collect monies from both individuals and businesses for a variety of reasons and has a legal duty to recover all sums due to it efficiently and effectively. The debt collection policy reflects the legal requirements the council must meet for safeguarding public money.

In collecting these funds it is inevitable that the council will be required to pursue the recovery of arrears from persons and or businesses that do not pay such accounts. However, in accordance with the council's charging policy, wherever possible up front or point of activity charges will be collected so the council neither encourages nor incurs debt.

4. The policy sets out how the council manages and collects debt to ensure consistency of practice across council services.
5. The council seeks to be "fair but firm" and has access to the full range of collection and recovery methods if debts are not paid. This includes enforcement action if an arrangement for debts to be paid cannot be agreed, against deliberate non-payers or those who delay payment.
6. The policy covers all debts owed to the council including:
 - council tax
 - rents, both housing and others, e.g. garages and commercial
 - service charges / rechargeable repairs
 - benefit overpayments
 - business rates or national non domestic rates (NNDR)
 - general debtors, e.g. unpaid fees and charges
 - legal / court costs
 - penalty charge notices (parking contraventions).
7. The Scrutiny committee has asked to review the implementation of the debt collection policy and that the council's use of enforcement powers to recover debts is consistent with the policy objectives.

Key areas

8. The most significant areas of debt by volume and value for the council relating to individuals are in the following areas:

- a. Council tax
- b. Housing rents
- c. Benefit overpayments
- d. Penalty charge notices (parking contraventions)

9. This report therefore focusses on these areas.

10. The other significant areas of income collection and debt are non-housing commercial rents and business rates or national non domestic rates (NNDR). However, as the focus of the scrutiny scope appeared to be in relation to personal debt these areas will not be explored in detail.

Council Tax

11. In 2017/18 the total council tax charged is £63 million for 65,886 accounts (properties).

12. The council has a council tax reduction scheme in place offering significant financial support for customers.

13. The council encourages payment by a variety of methods including direct debit, standing order, bank transfer, payment at the post office or other pay points and cheque.

14. Appendix B shows the debt collection flowchart.

15. Appendix B shows the reminder process flowing through to a final notice before a summons would be issued. At any of these points, if the customer engages with the council every effort will be made to ensure a reasonable repayment plan is set up.

16. Where a customer does not engage a liability order will be obtained.

17. Again, after this, if a customer engages with the council an arrangement will be made to ensure a reasonable repayment plan is set up.

18. The council will also make use of an attachment to earnings or benefits if this information is known to ensure the debt is repaid.

19. As a final resort the council may instruct an enforcement agent to collect the debt.

20. Where all of these methods have failed, for council tax there is the option to apply to the court for committal to prison for the debtor.

21. The council always checks if the individual has any vulnerabilities before proceeding with committal action and this is always the very last resort after all our other options have been considered.

22. In the last 12 months for council tax 2071 cases were referred to enforcement agents with a value of £1.460m.
23. There are many examples of council tax collection that work well. Customers set up direct debits, standing orders, pay the whole amount at the beginning of the year as well as various other payment methods where customers maintain an up to date account.
24. Three council tax cases outlined below show examples where customers did not pay.
25. These were historic non-payers, with significant balances – all with a tendency to ‘stick their head in the sand’ (by their own words). Customer C also had told the enforcement agents that he wasn’t paying as the Council would ‘do nothing’. A summary of what the current situation is re each account is detailed below:

a. Customer A

Committal authorisation sought 05/2016. Balance owed at that time on the account was £9,524.89 (£6,431.91 included in committal application, with a further £1,811.40 passed for write off). Balance on account now is £0.00 – mainly because debtor received an inheritance and stated she wanted to pay it all off as she ‘didn’t want to go to prison’.

A serial non-payer and we had done a lot of attachment to earnings and benefits in previous years. Magistrates found the Defendant guilty of culpable neglect to pay and made a 3 Month Committal Order, suspended on terms that the Defendant pays £200.00 per month towards her outstanding Liability Order debts.

b. Customer B

Committal authorisation sought 07/2016. Balance owed at that time on account was £5,050.51 (£4,181.64 included in committal application, with £868.87 for current year un-summonsed at that time). Balance on account now is £2,049.02 – again, chiefly because debtor is afraid of the consequences of non-payment of the committal order (i.e. imprisonment).

Another serial non-payer and Magistrates found the Defendant guilty of wilful refusal to pay he is paying regularly now.

c. Customer C

Committal authorisation sought 01/2017. Balance owed at that time on account was £7,001.89, plus £899.57 in respect of one account (£5,725.48 + £899.57 included in committal application, with a further £1,276.41 for current year with enforcement agent at that time).

Balance on account now is £4,835.05, with the balance in respect of a further account now £0.00 – again, this is due to the fact that the debtor was terrified at the prospect of going to prison, and has resolutely stuck to the terms of the committal order since it was made by the Magistrates' Court.

Another serial non-payer that Magistrates found the Defendant guilty of wilful refusal to pay and imposed a 42 day custodial sentence, suspended on terms that the Defendant pays £200.00 per month towards the Liability Order debts contained within the committal application(s).

26. In each of the above examples, no vulnerabilities were identified.

Housing rents

27. The Housing income service comprises teams collecting:

- Current tenancy rent arrears
- Static debt (former tenancy arrears, repairs recharges) and garage arrears
- A specialist team dealing solely with the new Universal Credit arrears cases
- A team providing budgetary and debt advice

28. The recovery of current rent arrears involves engaging with tenants to identify problems with rent payment and providing support to claim benefits, manage budgets or to make referrals to specialist support agencies where available.

29. Possession action is a last resort and can ultimately lead to eviction. In 2016/17 Norwich evicted 16 households. In 2017/18 the number of evictions so far is 19.

30. Statistics

- a. The income team collects rent from around 14,800 tenancies
- b. The total rent due annually is around £65m including around £5m collected in water rates for Anglian Water.
- c. Rent collection rate 96.48% (2016/17)
- d. Current rent arrears £1.96m (Q3 2017/18)
- e. Former tenancy arrears £1.1m, £208k collected
- f. Day to day repair recharges £64k, £4k collected
- g. Empty property repair recharges £760k, £25k collected

31. Enforcement action for current tenancies involves:

- a. the service of formal notice before legal proceedings can begin.
- b. a court hearing to obtain a possession order.

- c. The team will strive to engage with the tenant to reach an agreement prior to court so that a suspended possession order can be sought. In the event of no engagement a full possession order will be sought.
- d. With Introductory tenancies the process differs in that the grounds for possession are mandatory.
- e. The team will continue to offer support to ensure there are no issues with rent payment. However;
- f. If the tenant breaches a suspended order or does not leave the property after the expiry of a full possession order then an eviction warrant will be sought.
- g. Tenants are encouraged to apply for a warrant suspension which is often successful.
- h. This often results in many arrears cases going through the warrant application stage numerous times before the debt is cleared or, in a small number of cases, eviction takes place.

32. Recovery action for static debts involves:

- a. Letters and telephone calls to try and engage with the former tenant
- b. Referral to a debt collection agency
- c. Referral to the small claims court from 2019
- d. Write-off in the event of non-collection or non-engagement
- e. Housing do not employ enforcement agents nor uses taking control of goods
- f. Housing will not pursue a debt if it might jeopardise payment on a current tenancy rent account.

33. Recovery action for garage rent debt involves:

- a. A more commercial approach to collection
- b. A warning letter followed by one week's notice to quit the garage
- c. Repossession of the garage including costs for lock change

34. Case example- successful outcome without enforcement

- Single female and adult son occupying 3 bedroom house subject to water rates, bedroom tax and 'non-dependent' deduction from housing benefit.
- Suffering from PTSD due to historic abuse, would not engage, nor make any payments.
- Arrears at £1,300 and start of legal action overdue
- Budgeting adviser spent two months to obtain initial response by email
- Another two months taken for tenant to submit discretionary housing benefit payment claim form
- After six months the tenant agreed to a home visit which identified that HB claim should not be subject to non-dependent deduction and £700 rebate credited to rent account.
- Rent liability reduced from £40pw to £11pw

- The rent arrears aren't completely clear and the tenant will only engage with the budgeting adviser, but through perseverance the arrears have been reduced from £1,700 to £300

35. Case example- enforcement necessary

- Married couple in a three bedroom house, habitually in rent and council tax arrears since 2014
- Receiving external debt counselling and considering Debt Relief Order
- Suspended possession order obtained in 2015
- Continued spasmodic payments lead arrears to increase to over £2,000
- Warrant application adjourned by NCC in August 2015 on promise of payment
- Further enquiry revealed tenants payments all going to council tax so transfer to rent arranged.
- Payments stabilised in early 2017 but arrears increased to over £3,200 in August
- Interviewed by team leader and given one final opportunity to begin regular payments
- Eviction arranged for February 2018 but with assistance from Shelter this has been suspended and regular payments are now finally secured in a mixture of deduction from benefit and standing order.

Benefit overpayments

36. Housing benefit overpayments are created when a claimant is given more housing benefit than they are entitled to.

37. Claimants are required to notify the council of any changes to their income or circumstances that could affect their housing benefit.

38. The current average time for processing changes of circumstances to the council is 7.4 days (average year to date).

39. The council also receives information directly from HM Revenue and Customs (HMRC) regarding income details for claimants. This is imported in to the councils systems electronically and the majority of changes are processed automatically. However, the council relies on the accuracy and timeliness of information supplied by HMRC who in turn rely on the accuracy and timeliness of information supplied by employers.

40. Overpayments are most commonly created when a claimant fails to notify the council of an increase in income or another change of circumstances that reduces the entitlement to housing benefit.

41. Housing benefit overpayments must be recovered like any other debt.

42. Where a claimant has been overpaid but is still entitled to housing benefit the overpayment will be recovered from the ongoing housing benefit as a

deduction from that housing benefit. There are restrictions on the amount that can be recovered each week.

43. An overpayment may also be recovered from a credit on a rent account if the claimant has a credit on their rent account.
44. An overpayment may also be offset against an underpayment. This may occur where a claimant has a fluctuating income and their level of housing benefit entitlement has fluctuated compared to what was actually being paid.
45. Underlying entitlement will also be considered for recoverable overpayments, except in cases where the overpayment has occurred due to a change in address. The outcome is that the overpayment is reduced by the amount of entitlement the claimant would have been entitled to, had all facts been provided at the correct time.
46. Where there is an overpayment and there is no ongoing entitlement to housing benefit, the claimant will receive an invoice for the total amount of the overpayment.
47. Where a customer engages with the council a reasonable repayment plan can be agreed.
48. Where the invoice is not paid or a repayment plan agreed the following stages may occur
 - a. Stage One (in order):
 - i. Final Demand
 - ii. Letter before legal action (LBA) – this threatens possible court action with the threat of a CCJ being raised.
 - b. Stage Two: (these can be actioned in any order)
 - i. Attachment to Dwp benefit
 - ii. Direct Earnings Attachment
 - iii. Enforcement Agency
 - iv. Legal Recovery in CCJ form
49. In the 2017-18 financial year the council has referred 217 cases to enforcement agencies.
50. Case example – successful recovery of debt

“Ms A” had an overpayment in excess of £16K. The customer was not engaging with the council but details of their support worker were on file. A member of the team liaised with the customer’s support worker and negotiated a one off payment of £5K to reduce the outstanding debt. The customer needed to make a new claim for housing benefit which was dealt

with via an appointment which has then enabled the council to continue ongoing recovery of the debt from housing benefit entitlement.

51. Case example – unsuccessful recovery of debt

“Mr B” has an outstanding overpayment of approximately £40K, created as a result of a fraud investigation which discovered two undeclared properties. The customer has been very difficult to contact and during a visit to his home, it was noted that there was a large amount of unopened mail. We have reached the point in the recovery where court action is our next option. The customer also owes approximately £12K in unpaid council tax which is being pursued.

Penalty charge notices (parking contraventions)

52. The process that leads to debt collection enforcement for Parking and Bus Lane Penalty charge notices (PCN's) is described below.

53. All Penalty charge notices are issued through either the Traffic management act 2004, in the case of parking by a Civil Enforcement Officer (CEO), or in the case of the Bus lane camera's under the transport Act 2000, Bus Lane contraventions (penalty charge, Adjudication and enforcement) England Regulations 2005.

54. The Traffic management Act 2004 / Transport Act 2000, Bus Lane contraventions (penalty charge , Adjudication and enforcement) England Regulations 2005, both clearly lay out the process which must be followed in the case of any Penalty charge notices and each PCN progresses through this route, from issue, through to payment, challenge or representation, appeal or the final stage debt collection.

55. The process:

- a. Following receipt of an issued PCN, the PCN recipient can pay at the discounted stage within 14 days or pay the full PCN value after 14 days.
- b. Or they can:

Challenge (Parking)/ Make Representation (Bus Lane) procedure

Informal challenge/ representation

- They can make an informal challenge/ representation up to 28 days after the parking fine has been issued.
- If their challenge/ representation is received within the first 14 days they will only have to pay 50 per cent of the fine if their challenge is rejected.

c. Notice to owner

If they fail to pay or challenge/ make representation for a PCN within 28 days of the date of issue the registered owner of the vehicle will be sent a Notice to Owner. This legal document it gives the option to:

- pay the full amount
- Make formal representations within 28 days providing relevant proof of why you believe the parking fine should be cancelled.

56. Appealing to the Traffic Penalty Tribunal

- If the council accepts the representations the parking fine will be cancelled.
- If the case is rejected the customer will be sent a Notice of Rejection and information about how they can lodge an appeal with the Traffic Penalty Tribunal.

57. What happens if the customer does not pay or make an appeal?

a. Charge certificate

If the customer fails to pay or challenge the Notice to Owner within 28 days a charge certificate will be issued. This will:

- Increase the charge by 50 per cent
- Give a further 14 days to pay before the debt is registered at the county court
- Confirm that the customer is no longer able to contest the charge.

58. Debt registration

If the debt is registered at the county court we will be authorised to send out a Notice of Debt Registration stating:

- a court fee has been added to the parking fine debt
- the customer has 21 days from the date that this notice is served to pay the new charge or complete a witness statement to confirm why they have not paid the parking fine.

If the customer does not respond to this notice the county court will grant the council the authority to issue a warrant and instruct enforcement agents to recover the debt on our behalf. The enforcement agents' charges are authorised by statute and can result in a significant sum added to the original debt.

59. In summary:

The process is transparent demonstrating that the council offers the vehicle owner/ registered keeper every opportunity to pay, present their

case for consideration or appeal. Only once the council has exhausted all these stages do they engage the enforcement agents to collect the PCN debts.

60. As a guide in 2016/17 the council issued:

- 25,255 parking PCN's
- 15,518 Bus lane PCN's,

61. From the 40,773 total PCN's issued, 2,729 PCN (7%) of cases were pursued to the enforcement debt stage, the action of last resort to collect the outstanding debts due to the council.

62. Cases that are taken to debt collection are varied, but will include persistent offenders, who have multiple PCN's all progressing at different stages of the process, and persistent evaders who don't engage with the process will work to exhaust the process to avoid paying the debt.

63. The enforcement agents the council utilises have been through the procurement framework process, and are bound to deliver the agreed government standards when acting on the council's behalf in line with their contract.

<https://www.gov.uk/government/publications/bailiffs-and-enforcement-agents-national-standards>

64. There are many examples where the customer will pay and there is no need for debt collection.

65. The following is an example where the council has negotiated with the Registered Keeper (RK), but payment has still not been received, so the case has been returned to the Enforcement Agent (EA).

- a. 27/09/16: PCN issued. Payment would be accepted at £35 if received within 14 days.
- b. 13/10/16: Full charge now applies £70.
- c. 02/11/16: Notice to Owner sent. RK has 28 days in which to pay at £70 or make representations.
- d. 29/11/16: Representations received.
- e. 20/01/17: Representations rejected. RK has 28 days in which to pay at £70 or lodge and appeal with the independent tribunal. Traffic Penalty Tribunal.
- f. 01/03/17: No payment or appeal from RK, so Charge Certificate sent, increasing the charge to £105.

- g. 19/03/17: Letter sent to the RK that explains that the case is due to be registered at county court.
- h. 06/04/17: Court registration details sent to RK. Charge increased by £8 to £113.
- i. 03/05/17: Payment of £5 received. Letter received from RK stating paying for £5 to park for the period, and stating won't be paying anything further.
- j. 19/05/17: We wrote back to RK stating that £108 is still outstanding and that the next stage is Enforcement Agency (EA).
- k. 01/07/17: Warrant sent to EA.
- l. A period when lots of communications went backwards and forwards.
- m. 15/02/18: Letter sent to RK stating that we would instruct the EA to return the case, and we would accept payment in full at £70 provided that it was received by 02/03/18.
- n. 12/03/18: As no payment was received, the extra £43 has been put back on the charge, and the case is returned to EA in order to continue recovery action.

General support available for all debtors

- 66. Customers who are experiencing any difficulty in making payment are encouraged to make contact with the council at the earliest opportunity. This will allow discussion to agree any proposal to pay the debt.
- 67. Customers experiencing difficulty may also be signposted to help offered by other organisations such as debt advice charities and the Citizen's advice service.
- 68. A team providing budgetary and debt advice to housing tenants.
- 69. The council also grants funding for financial inclusion. Details of the latest grant for £169,000 were reported to Cabinet on 14 March 2018. This described the grant to the financial inclusion consortium (Age UK Norwich, Citizens Advice Norfolk, Equal Lives, Mancroft Advice Project, Norfolk Community Law Service and Shelter) as "a grant to work in partnership to deliver a range of social welfare advice, casework and representation services in order to reduce financial and social exclusion and inequalities".

Air BNB properties

- 70. The scoping request for this paper also asked for consideration of loss of business rates and waste collection fees from Airbnb properties.

71. There are some Airbnb properties in Norwich and the council has tried to review some.
72. However, one of the issues in finding them is that unless you actually book the property you cannot get the actual address.
73. To be non-domestic property, it will have to be made available on a commercial basis for not less than 140 days
74. If the owner has only one commercial property and the rateable value is £12k or less per year (which an Airbnb property would most certainly be) they would receive full rate relief. They can have a second property and keep the full relief on the first as long as the rateable value of both does not exceed £20k.
75. It is likely that someone owning a second furnished property would pay less on business rates than council tax under these circumstances.
76. This is something the council has looked in to but did not get too far as they are very difficult to locate and investigate. The ones the council did track down were unoccupied and it was unlikely that they would have met the above criteria.
77. In these circumstances it appears to be more advantageous to receive council tax on the properties in question rather than have them with full relief from business rates.



NORWICH
City Council

Norwich City Council Debt Collection Policy

Version 1.2 – 25 June 2014

Norwich City Council debt collection policy

Introduction

Norwich City Council is required to collect monies from both individuals and businesses for a variety of reasons and has a legal duty to recover all sums due to it efficiently and effectively. This policy reflects the legal requirements the council must meet for safeguarding public money.

In collecting these funds it is inevitable that the council will be required to pursue the recovery of arrears from persons and or businesses that do not pay such accounts. However, in accordance with the council's charging policy, wherever possible up front or point of activity charges will be collected so the council neither encourages nor incurs debt.

An agreed policy of how the council manages and collects debts is required to ensure consistency of practice across council services.

This policy covers all debts owed to the council including:

- council tax
- rents, both housing and others, e.g. garages and commercial
- service charges / rechargeable repairs
- benefit overpayments
- business rates or national non domestic rates (NNDR)
- general debtors, e.g. unpaid fees and charges
- legal / court costs
- penalty charge notices (parking contraventions).

This policy will apply to all council services. Some individuals and businesses may have multiple debts to the council. The policy does not prejudice any legal action that the council take.

It seeks to be "fair but firm" and the full range of collection and recovery methods will be used as appropriate if debts are not paid. The policy works within and takes account of relevant legislation e.g. data protection, human rights, equalities etc.

The policy

The council will try to collect all monies owed to it in a timely manner and will endeavour to remind people quickly if they do not pay.

The council will

- Send bills out in good time and, in addition to detailing the amount payable and a description of the charge, the council will include the following information on all accounts:
 - the payment options available and encouragement to debtors to pay through the automated telephone payment line or the website
 - the councils contact number for queries in relation to the accuracy of the account
 - where appropriate the councils contact number for discussing payment arrangements where the customer has difficulty in paying the amount requested on the account.
- Where requested provide information to meet specific communication needs in the following formats: braille; large print; audio tape / disc; community languages. In meeting individual needs the council will record individual preferences so that on going and future correspondence can be delivered in the preferred format. The council will use accredited language translators/interpreters to assist persons whose first language is not English and BSL interpreters for those who are deaf.
- Remind people quickly if they do not pay.
- Encourage people who have difficulty in paying to contact the council to reach an agreed way forward as soon as possible.
- Take enforcement action if an arrangement can not be agreed, against deliberate non-payers or those who delay payment.

We will encourage people who have difficulty in paying to contact the council to reach an agreed way forward as soon as possible.

Council staff will always seek to make realistic arrangements to clear outstanding amounts by regular payments, in preference to taking legal or other action for recovery. If an arrangement cannot be agreed however, enforcement action may be taken.

Where legislation or other provisions exist that allow the council to take action to recover debts without the need for court action, the council will make use of those provisions. For example the Social Security (Overpayments and Recovery) Regulations 2013 allow the council to recover housing benefit payments from

earnings using a notice to an employer to deduct sums and pay them to the council.

If the council finds it necessary to take court action against a debtor and that action is successful, the council will then be empowered to enforce payment through a number of statutory remedies, including powers which impact on a person's possessions or liberty e.g. taking control of goods, have an attachment to earnings order, to evict a tenant, to request imprisonment etc and will apply the most appropriate remedy.

One of the remedies is to 'take control of goods', which Norwich City Council exercises through the use of external enforcement agencies. To ensure effective, consistent and appropriate application of this, Norwich City Council's appointment of enforcement agency services is through contractual agreement which details the standards the enforcement agents must adhere to.

The council will ensure that these more 'severe' powers, for example, removal of goods will only be used when all other reasonable methods have failed and where all appropriate internal and statutory processes have been properly followed.

Irrecoverable debts

The council recognises that not all debts are collectable and therefore in the last resort it may be appropriate in certain circumstances to classify debts as irrecoverable. The council will ensure that there are guidelines and policies in place which detail the action to be taken prior to an account being written-off.

The council reserves the right to reinstate, within statutory deadlines any debt where it becomes apparent the circumstances for write off are no longer applicable. i.e. a debtor is traced / funds become available.

Credits

Norwich City Council and its services will adopt a corporate approach to refunding credits, in that, wherever possible, checks will be made for other outstanding debts to the customer, prior to a refund being made. Where other debts are identified, it may be necessary to obtain the customer's permission, prior to a credit transfer. Other credit refunds, for example compulsory purchase compensation and home loss payments will be included in this procedure approach.

Costs

Where the council incurs additional costs as a result of non-payment, e.g., court costs, these will be added to the outstanding debt and (where allowed under statute) recovered from customers.

Where the council employs third party collection agencies, these agencies may apply their own costs to the amount to be recovered.

Appendix A - Principles supporting the debt collection policy

1) Priority debt

There are many types of debt, but those considered as “priority” debts are those debts owed to creditors who can take the strongest legal action against an individual who does not pay.

It isn't the size of a debt that makes it priority but what creditors can do to recover their money.

Individuals are often but not always aware of the consequences of failure to pay and frequently pay to whoever shouts the loudest.

The actions supporting this procedure should ensure customer awareness of what priority debts are.

The Procedure identifies the following as equal priority debts:

- commercial rent arrears – as it can result in forfeiture, Commercial Rent Arrears Recovery (CRAR), attachment of earnings, bankruptcy, county court judgements, charging orders
- residential rent arrears – as it can result in eviction
- mortgage arrears – as they can result in repossession
- council tax – as it can result in enforcement agent action, attachment of earnings / benefits, bankruptcy or imprisonment
- other secured loans – as they can result in loss of home
- income tax and VAT – as they can result in bankruptcy or imprisonment .

Other priority debts:

- fuel debts – as they can result in disconnection
- Income tax and VAT – as they can result in bankruptcy or imprisonment
- county court judgements - can result in enforcement agent action, attachment of earnings or bankruptcy
- fines or compensation / costs orders – as they can result in imprisonment
- maintenance / child support – as it can result in repossession of goods or even imprisonment
- hire purchase – will be considered essential if, for example it is for the purchase of a car needed to get the owner to work.
- water rates – as it can result in enforcement agent action and water companies can reduce supply to a trickle.
- business rates – as it can result in enforcement agent action, bankruptcy or imprisonment
- benefit overpayments – as it can result in deductions from on-going rent / benefits / earnings
- maintenance or child support – as it can result in enforcement agent action or imprisonment
- penalty charge notices (parking contraventions)- can result in enforcement agent action.

The following are considered non priority debts:

- credit / store cards
- unsecured personal loans
- bank overdrafts
- credit / interest free / hire purchase agreements
- catalogue debts
- money borrowed from family and friends
- mobile telephone and TV subscriptions.

2) Customer standards and support

The council's customer standards apply when implementing this policy.

Integral to the policy is the provision of support mechanisms and arrangements to all customers. It details the approach to collecting debt in Norwich and also provides practical help, advice and support in the management of multiple debts.

The council will maintain a consistent and sensitive approach to collecting debt whilst, at the same time, ensuring that the council continues to maximise collection performance. For commercial debt recovery it may be necessary to take a more business like approach to reflect any contractual obligations that may exist.

When people do not pay

When people in debt make contact with the council they should, where possible, identify all debts they have with the council. This will allow the council to take a holistic approach to debt recovery and avoid duplication.

Where it is apparent that a customer is unable to pay an account, or a number of like accounts as requested, then the aim will be to agree an arrangement to pay which takes into consideration the specific circumstances of the customer.

Ability to pay will be assessed on the customer's disposable income in proportion to the level of debt, the extent of debts owing to the council and that council tax and rent arrears are equal priority debts. The initial aims of arrangements to pay will be to clear the debt(s) as soon as possible but as a minimum will ensure that the person's indebtedness to the council does not worsen.

In practice this may mean ensuring that the current or most recent account is cleared, while making the maximum contribution to clearing other debts.

A financial statement may be required to support a request for an arrangement. This will be a list of the customers' household income and expenditure. Documents to support the information contained in the financial statement may be required

before an arrangement can be agreed. A financial statement can be completed with the help of an independent agency such as the Citizens Advice Bureau (CAB).

The council's website also contains various details to help with managing money and who to contact. Visit www.norwich.gov.uk and use the search to find information on "money advice" or "debt".

Commercial tenants will not generally have access to CAB services but they may be able to get assistance from Business Link and the Consumer Credit Counselling Service (CCCS). These organisations may be able to offer some guidance on the provision of financial statements etc.

Penalty charge notices (parking contraventions)

Penalty charge notices, prior to county court charge registration, are excluded from the arrangement process in the policy. Only post charge registration cases may be considered in any arrangement process, provided that severe financial hardship is identified as a result of the parking debt adding to other council debts. Such consideration would normally be through partner advice agencies or the multiple debt referral process. The council's parking services team must be contacted directly to make such arrangements.

Commercial debt recovery

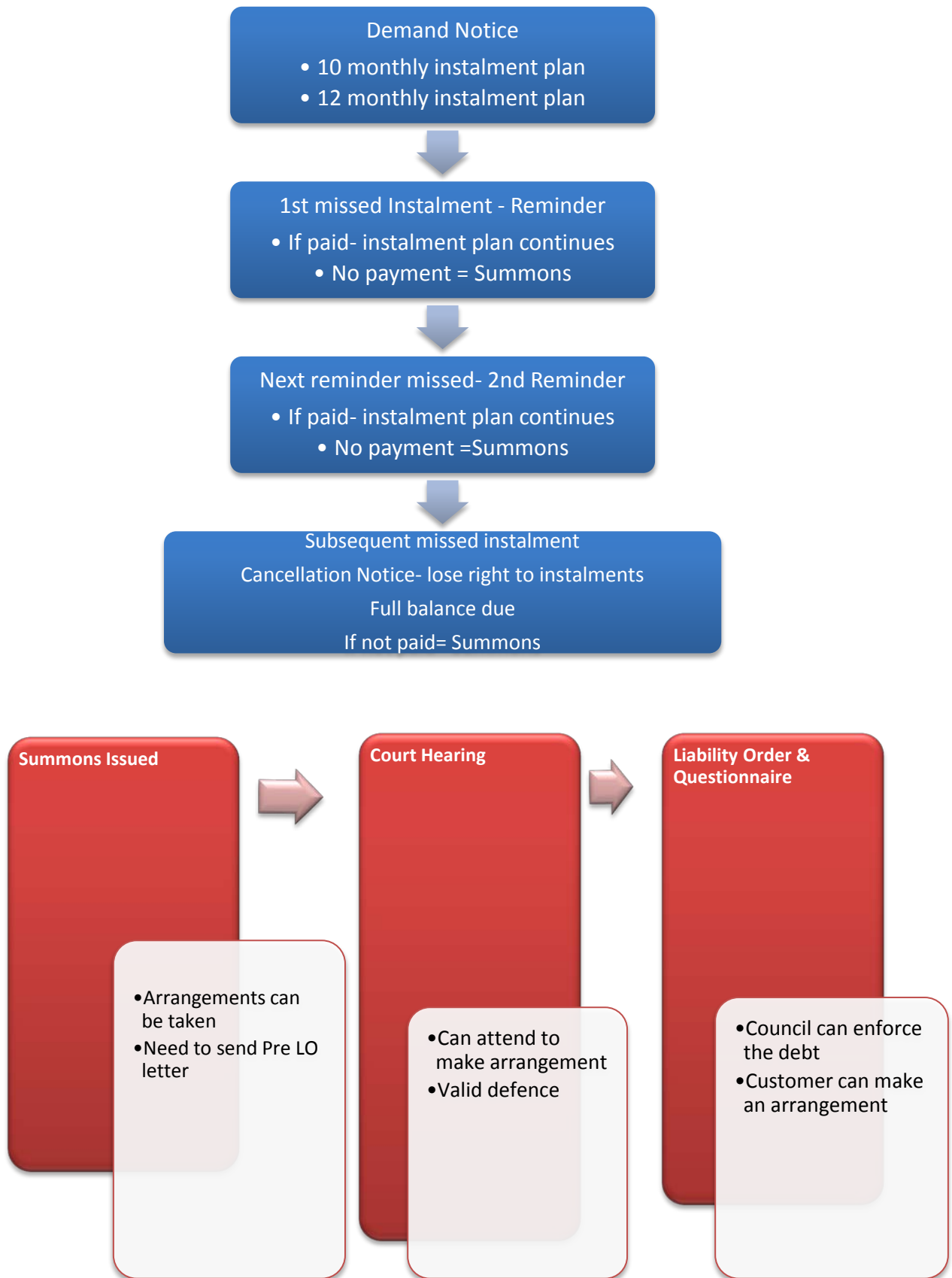
A separate debt procedure has been developed to help maximise debt recovery with regard to the council's commercial property portfolio. The procedure will operate in parallel to Norwich City Council's debt policy and will provide a consistent and business like approach, whilst reflecting the council's "fair but firm" policy. There will be occasions however, when it becomes necessary to pursue commercial tenants as per the terms of their lease agreement. This action may vary from the Council's debt policy, but it will reflect the tenant's contractual obligations.

Continued effectiveness of this policy

Where minor amendments need to be made to ensure the continued effectiveness of this policy such amendments will be made after consultation with the deputy leader and resources portfolio holder.

Collection & Enforcement Flow Chart

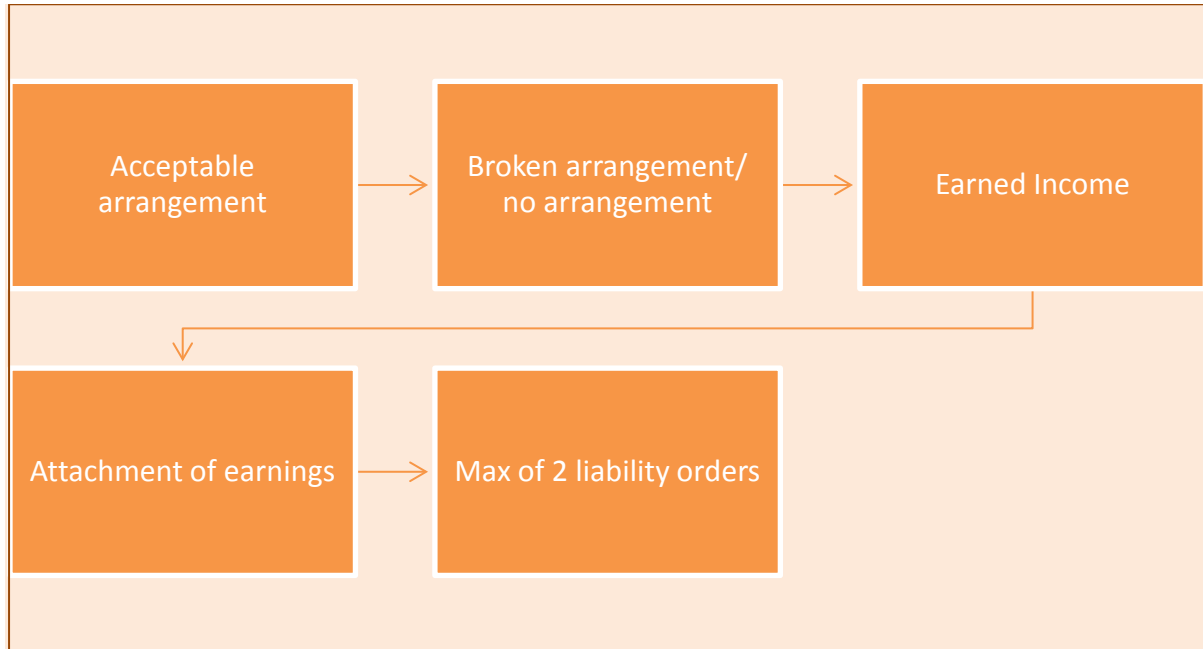
APPENDIX B



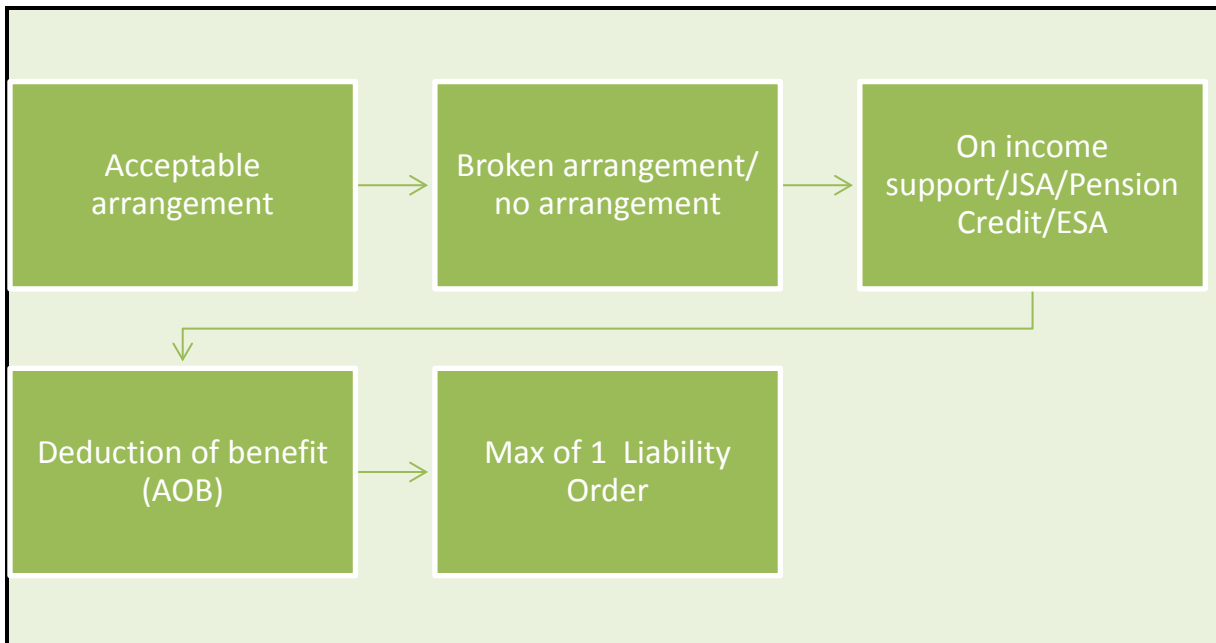
Collection & Enforcement Flow Chart

Enforcement of Council Tax Liability Order debts

Earned Income

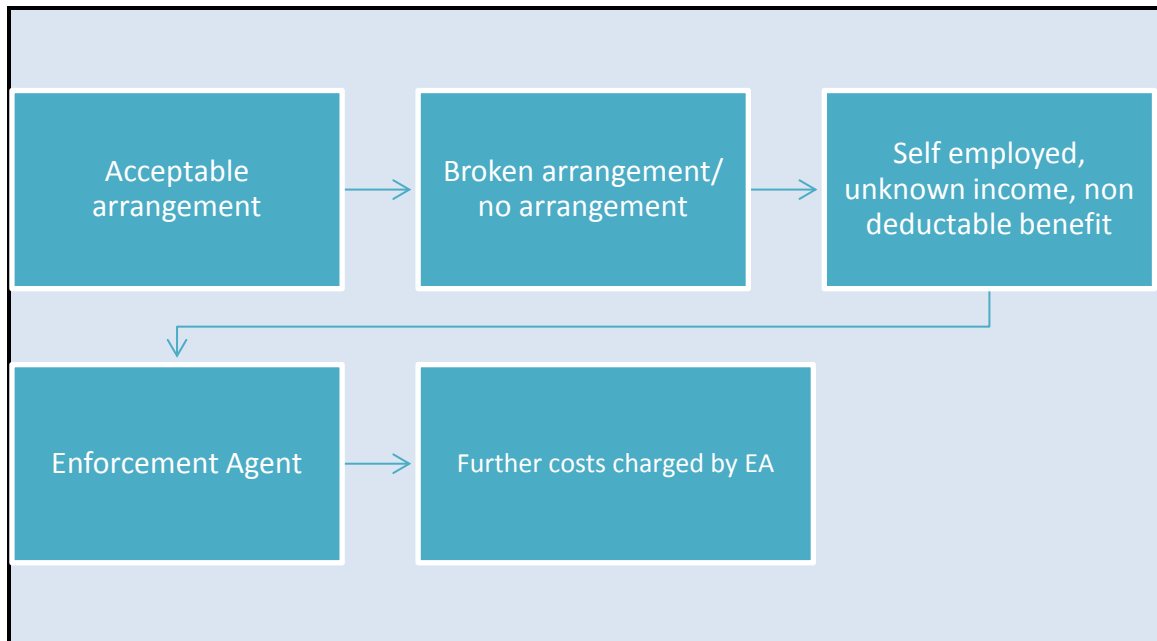


Receiving Deductable Benefit

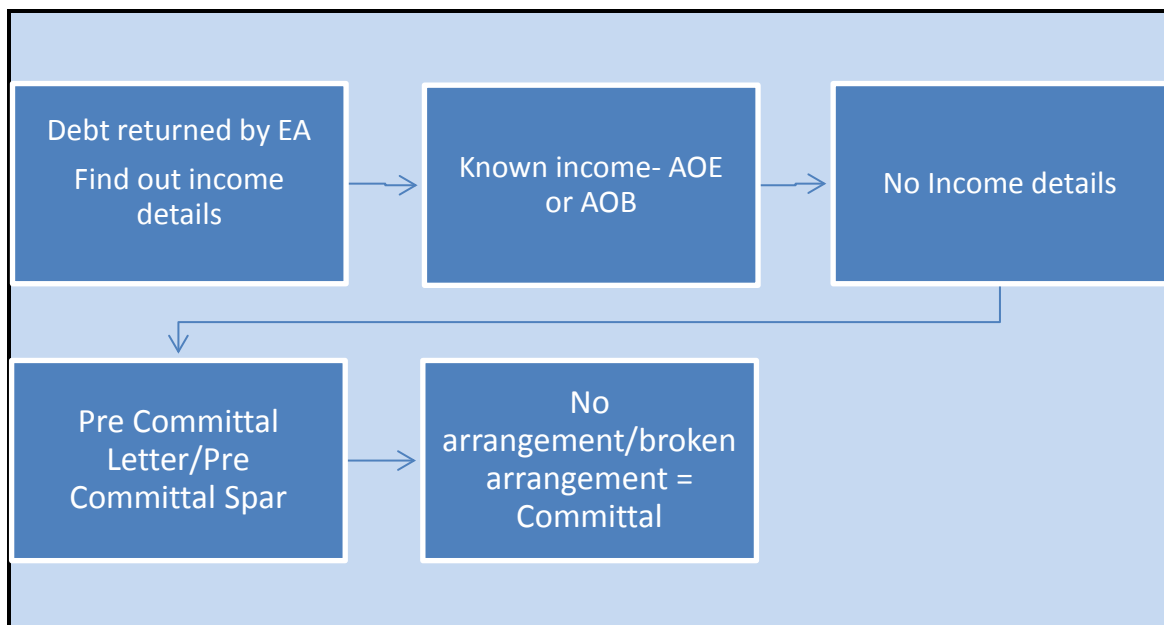


Collection & Enforcement Flow Chart

Self Employed/unknown income,/receiving non-deductable benefit (eg child benefit etc)



Debt returned from Enforcement Agent



Norwich City Council
SCRUTINY COMMITTEE

Item No 6

REPORT for meeting to be held on 22 March 2018

Annual review of the scrutiny committee 2017 - 18

Summary: This annual review reports on the work and progress that has been made by the scrutiny committee for the period 2017–2018

Article 6d of the council's constitution (overview and scrutiny committees) states that the scrutiny committee will report annually to the council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

Conclusions: This snapshot view of outcomes as a result of scrutiny activity helps to reinforce that successful scrutiny is collaboration between the scrutiny committee, the cabinet, residents, partners and the officers of the council.

Scrutiny not only produces outcomes in terms of feeding into the decisions that are made but it can also play a valuable role to inform and develop knowledge for members.

Recommendation: That the scrutiny committee recommends the annual scrutiny review for approval at the next available meeting of full council.

Contact Officer: Councillor James Wright
Chair of the scrutiny committee

Annual review of the scrutiny committee 2017- 2018

Introduction by **James Wright, the chair of the scrutiny committee**

This annual review of the scrutiny committee is aimed at assessing the effectiveness of the work done by the scrutiny committee at Norwich City Council for the civic year 2017– 2018.



NORWICH
City Council

I would like to begin by thanking all those who have been involved with the scrutiny process this year, particularly those people from groups who would otherwise not engage with the council and whose input has been invaluable in a number of areas of scrutiny.

Throughout the year, the committee has looked at various aspects of delivery of the Corporate Plan, including making regular comment on the quarterly performance reports and feeding into the transformation and budget setting process, with members making recommendations to cabinet that help shape and strengthen the work of the council.

As always there have been items for scrutiny that members of the committee would like to have looked at, but due to pressures of time it has not been possible to address these.

The scrutiny year began with a look at accessibility issues within the city, and concluded with a recommendation to ask cabinet to address the production of an access charter, and to make sure that includes working with those groups to represent those with hidden disabilities

The cooperative agenda in local government was considered at our July meeting.

The outcome of this was to arrange for a briefing on co-operatives have worked with other local authorities and how the Norwich City Council could work as part of this model.

Members who attended the subsequent briefing have reported back how valuable it was to them in improving their understanding.

In October, scrutiny went into the community to undertake a piece of work address health inequality in Norwich, where the new Harford Community Centre on Hall Road played host to the committee.

The committee heard from a number a number of experts, including a detailed overview of public health statistics, a made several recommendations as to how the council might reduce health inequalities.

Perhaps our most significant undertaking this year was in relation to access to justice, where the committee considered “the impact of legal aid cuts, changes to tribunal fees, debt and the impact of cuts to probation/prisons/courts. The city council’s commissioning of advice services which provide elements of legal advice and how these work in Norwich”

Following a comprehensive evidence gathering session, the committee made a number of recommendations including committing to a longer term for the council’s funding for social welfare advice services in the city, reducing burden on funded organisations by standardising application and monitoring process, and to explore this with other funders, and additional activities around the Better off Norwich platform.

With 14,000 private rented homes in Norwich, the committee used our February meeting to gain an understanding about some of the hazards affecting those living in the private rented sector, as the council has a duty to tackle these.

A significant proportion of rented homes in Norwich are hazardous and consequently the council has to target its enforcement resources at the worst cases.

The committee heard how the property registration scheme launched by the council in 2016 has not received sufficient support from local landlords and is therefore suspended.

The committee’s recommendations included asking cabinet to resource, far earlier, the introduction of additional HMO licensing in conjunction with a relaunched property registration scheme and fund more environmental health officers to inspect properties and try to identify rogue landlords.

At the time of writing this draft foreword, the committee has not met to consider enforcement and this document will be updated to reflect the outcomes of that scrutiny before presentation to council in June.

We are also pleased to see that members of the public are engaging through the scrutiny process in the form of questions.

I would like to continue to see the work programme for next year in part informed by public request, and to that end would encourage members of the public contact the committee officer to suggest topics for scrutiny.

During the year the committee also addressed two scrutiny call-ins. Call-ins are a vehicle for councillors who are concerned about a particular decision to place it open to further scrutiny.

Ultimately, both scrutiny call-ins this year were in relation to procedural issues around publication of decision notices and information to councillors and have now resulted changes being made by officers.

I commend this annual review and hope that members feel able to adopt it.

Councillor James Wright – Chair of the scrutiny committee

Working style of the scrutiny committee and a protocol for those attending scrutiny

- All scrutiny committee meetings will be carried out in a spirit of mutual trust and respect
- Members of the scrutiny committee will not be subject to whipping arrangements by party groups
- Scrutiny committee members will work together and will attempt to achieve evidence based consensus and recommendations
- Members of the committee will take the lead in the selection of topics for scrutiny
- The scrutiny committee operates as a critical friend and offers constructive challenge to decision makers to support improved outcomes
- Invited attendees will be advised of the time, date and location of the meeting to which they are invited to give evidence
- The invited attendee will be made aware of the reasons for the invitation and of any documents and information that the committee wish them to provide
- Reasonable notice will be given to the invited attendee of **all** of the committees requirements so that these can be provided for in full at the earliest opportunity (there should be no nasty surprises at committee)
- Whenever possible it is expected that members of the scrutiny committee will share and plan questioning with the rest of the committee in advance of the meeting
- The invited attendee will be provided with copies of **all relevant** reports, papers and background information
- Practical arrangements, such as facilities for presentations will be in place. The layout of the meeting room will be appropriate
- The chair of the committee will introduce themselves to the invited attendee before evidence is given and; all those attending will be treated with courtesy and respect. The chair of the committee will make sure that all questions put to the witness are made in a clear and orderly manner

Index

- 1 Introduction - by James Wright, the chair of the scrutiny committee (page 1)
- 2 Working style of the scrutiny committee and a protocol for those attending scrutiny (page 4)
- 3 Index (page 5)
- 4 The membership of the scrutiny committee (page 6)
- 5 What is scrutiny? (page 7)
- 6 The scrutiny year; the work of the scrutiny committee and outcomes (page 9)
- 7 *Highlight of the scrutiny year* (page 21)
- 8 Joint scrutiny bodies (page 24)
- 9 Guidance for placing items onto the scrutiny committee work programme (page 25)
- 10 Public involvement and getting in touch with scrutiny (page 27)
- 11 Request form to raise an item for scrutiny review (page 28)

The membership of the scrutiny committee 2017 – 2018

Councillors:

Wright (chair)
Brociek-Coulton (vice chair)
Bogelein
Bradford
Bremner
Coleshill
Grahame
Haynes
Jones (B)
Manning
Malik
Ryan
Thomas (Va)

Other non-executive members also took part as substitute members as and when required

The scrutiny committee is politically balanced and is made up of councillors from the political parties of the council. Only non – cabinet members can be on the committee and this allows those councillors to have an active role in the council's decision making process.

What is scrutiny?

The Local Government Act 2000 introduced a structure within Local Government for decision-making and accountability and created a separation between the cabinet role and the non-executive member role.

Moving forward, subsequent acts of parliament have come in to extend the remit of scrutiny along with its statutory responsibilities. For example, local government scrutiny committees can now look at the work of partner organisations as well. The Local Government and Public Involvement in Health Act 2007 enabled local authorities to scrutinise other partners and agencies. This, along with other legislation relating to scrutiny powers has now been consolidated in the Localism Act 2011.

The cabinet proposes and implements policies and the non-executive members review policies and scrutinise decisions or pre scrutinise proposed decisions of the cabinet.

The Committee sets its own work programme via suggestions from councillors, the cabinet and council, or from other issues of public interest. Any scrutiny topic that is undertaken needs to add value, and in considering suggestions for scrutiny the committee will ascertain the reasons why the matter would benefit from scrutiny, and what outcomes might be generated from inclusion to the work programme or other scrutiny activity.

The scrutiny committee assists non-executive and cabinet members in accordance with the Act by:

- Acting as a critical friend by challenging performance and helping improve services
- Ensuring policies are working as intended and, where there are gaps help develop policy
- Bringing a wide perspective, from the city's residents and stakeholders and examining broader issues affecting local communities
- Acting as a consultative body

In carrying out its role, the scrutiny committee can request written information and ask questions of those who make decisions. The committee is also enabled to comment and make recommendations to decision makers. These decision makers include cabinet, partners and other statutory organisations. Successful scrutiny is collaboration between the scrutiny committee, the cabinet, residents, partners and the officers of the council.

4 Principles of Effective Scrutiny

The Centre for Public Scrutiny (www.cfps.org.uk) has produced a guide to effective public scrutiny, which provides 4 Principles of Effective Scrutiny:

Critical friendship to decision-makers

Engaging the public and enabling the voice of the public and communities to be heard in the process

Owning the process and work programme with non-cabinet members driving the scrutiny process

Making an impact through continuously looking for improvements in public service delivery

For this to happen the scrutiny committee and the processes that support it must be independent, robust and challenging. This is because scrutiny works best when it is part of a positive culture that supports and promotes the scrutiny process. The way in which the scrutiny process has the ability to engage with and involve the council's residents and service users can be a way to ensure that reviews take on the views of local communities.

The effectiveness of scrutiny is balanced on the need to ensure that any purpose and benefits it can provide are clearly understood. The following questions for reviewing the effectiveness of a scrutiny function could ask:

- Is it effectively holding decision-makers to account?
- Is it helping to improve services?
- Is it building links between the Council, its partners and the community?
- Is it helping to improve the quality of life for local people?
- Is it adding value?

In addition to the above questions; there should be a continued recognition from both officers and members of the value of effective challenge in helping towards continuous improvement. As Norwich city council has continuously strived to achieve, the friendly challenge of the scrutiny committee to decision makers needs to not only be informed by ward members but also evidenced by the experiences encountered of service users and residents.

The scrutiny year

Setting the work for the year – work programme

*At the May 2016 meeting of the scrutiny committee, members discussed and agreed the work programme; the outcomes of which are detailed in this report and shown in the section, **the work of the scrutiny committee and outcomes for 2016 – 2017**. This section starts on page 10 of this review, and provides an overview of the work carried out by the scrutiny committee over the last 12 month period. The scrutiny committee's work programme varies in content, ranging from standing items, such as the yearly update on the environmental strategy to specific pieces of scrutiny work requested by the committee such as academies and educational attainment in Norwich.*

Other standing items include:

Corporate plan review

Equality information report

Pre-scrutiny of the proposed budget

Annual review of the scrutiny committee

Also, verbal updates from the committee's NHOSC representation are brought to meetings as and when.

The work programme is also a standing item at every committee meeting, and members have the opportunity to add or remove items from the work programme if they wish.

The agenda papers and minutes of the committee meetings can be found on the council's web-site:

https://cmis.city.norwich.gov.uk/cmislive/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/4/Default.aspx

(At the time of this review's publication, work has already begun by the scrutiny liaison officer and the committee members around the work programme for 2017 – 2018 and this will be officially agreed by the scrutiny committee in May at the first meeting of the new civic year.)

Training

At the beginning of the scrutiny year in May, the committee took part in an afternoon of training. The aim of this session was to assist existing scrutiny members in gaining knowledge and building upon experience from previous training, and for the newly appointed members to be introduced to their scrutiny role.

The training consisted of a mixture of group exercises, discussions and presentations and was delivered by an external trainer.

The session contained the following content:

What overview and scrutiny is

Scrutiny trends over the past 10 years

The key skills required of members in scrutiny

Some pointers on the programming of scrutiny work

How to plan and scope your scrutiny work

Being tactical in the use of scrutiny

Following on from the discussion which ensued at the training and based on the working style of the committee throughout the following months, it seems the pre-existing protocols are working effectively for the scrutiny committee.

The members of the scrutiny committee also continue to come together for a pre-meeting in advance of the scrutiny committee so that they can plan the committee's approach for the topic being discussed at the committee meeting.

The work of the scrutiny committee and outcomes for 2017 – 2018

| DATE OF MEETING | TOPIC FOR SCRUTINY | RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR | SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT | OUTCOME |
|------------------------|---------------------------|---|---|---|
| 22 June 2017 | City accessibility | Andy Watt (Head of city development) | To consider the recent changes to the layout and transportation in the city centre, particularly in relation to citizens with protected characteristics under the Equalities Act. | <ul style="list-style-type: none"> (1) ask cabinet to formulate a city access charter and to extend consultations on such a charter to groups representing all disabilities including those with hidden disabilities, (2) consider the formation of a task and finish group at the appropriate time to support the development of a city accessibility street charter (3) ask Norfolk County Council's Environment, Development and Transport committee to review the same evidence presented to this meeting to inform their work going forward; (4) improve stakeholder representation earlier in the design process of new transport schemes, (5) ask relevant officers to ensure that any new signage be |

| DATE OF MEETING | TOPIC FOR SCRUTINY | RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR | SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT | OUTCOME |
|------------------------|---------------------------|---|--|---|
| | | | | <p>evaluated in terms of accessibility</p> <p>(6) ask the Norwich Highways Agency Committee to consider formally pausing the use of shared space schemes,</p> <p>(7) ensure the A Boards policy is easily accessible on the Norwich City Council website,</p> <p>(8) ask the relevant body to consider ways to more robustly enforce the engine switch off policy for buses within Norwich,</p> <p>(9) ask the relevant body to consider ways to increase awareness of ways to report misuse of blue badge parking,</p> <p>(10) ask the chair of the licensing committee to consider receiving a report on the sufficient supply of wheelchair accessible private hire vehicles, and</p> <p>(11) ask relevant officers to</p> |

| DATE OF MEETING | TOPIC FOR SCRUTINY | RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR | SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT | OUTCOME |
|------------------------|-------------------------------------|---|--|--|
| | | | | approach the Business Improvement District (BID) to explore ways of improving city centre retail access for those with mobility issues, such as more drop off points and a mini bus 'hopper' service. |
| 13 July 2017 | Quarterly performance report | Adam Clark (Strategy manager) | To consider if there are any measures within report to consider for future analysis and how the committee would like to scrutinise corporate performance in the future | <p>(1) ask the financial inclusion manager for some anecdotal evidence around timely access to debt advice,</p> <p>(2) ask the strategy manager to investigate why the performance target for measure FAC5 was so high; and</p> <p>(3) ask the director of neighbourhood services to circulate any commentary captured around why residents felt unsafe.</p> |

| DATE OF MEETING | TOPIC FOR SCRUTINY | RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR | SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT | OUTCOME |
|------------------------|---|---|---|--|
| 21 September 2017 | Pre-scrutiny of the proposed budget consultation | Nikki Rotsos (Head of communications and culture) | To look at the proposed approach to engaging residents and other stakeholders in the development of the council's vision and strategy for 2019-2022 as well as the 2018-19 budget and transformation programme. | (1) consider how best to involve members in shaping the budget consultation with an update brought back to scrutiny at appropriate time to allow changes to be considered ; and (2) include an 'easy-read' sheet to sit alongside the budget consultation |
| 21 September 2017 | The cooperative agenda in local government | Councillor Chris Herries | To agree areas for further review and to consider identifying a suitable time for an all members briefing/workshop about co-operatives. | Resolved to ask the democratic and elections manager to arrange an all members briefing on co-operatives to include examples of how co-operatives have worked with other local authorities and what services were available to Norwich City Council. |
| 19 October 2017 | Health inequality in Norwich | Adam Clark (Strategy manager) | A review of health inequality in Norwich and the role of the city council | (1) To ask the chair of scrutiny to liaise with the leader of the council around progressing accessibility charter and to acknowledge all |

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| | | | | <p>recommendations from June scrutiny committee meeting on city access</p> <p>(2) To ensure provision of web information linked across organisations</p> <p>(3) To ensure health and wellbeing is taken into consideration when the review of parks and open spaces takes place</p> <p>(4) To scrutinise the river Wensum strategy to ensure health inequality actions are considered</p> <p>(5) To scrutinise the social value and procurement framework as part of next year's work programme; and</p> <p>(6) For the strategy manager to feedback to members regarding the significantly negative outliers for</p> |

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| | | | | Norwich from the Public Health Outcomes Framework |
| 23 November 2017 | Access to justice | Councillor Vaughan Thomas | The impact of legal aid cuts, changes to tribunal fees, debt, impact of cuts to probation/prisons/courts. The city council commissions advice services which provide elements of legal advice and how these work in Norwich | <p>Resolved to ask cabinet to consider;</p> <p>(1) committing to a longer term for the council's funding for social welfare advice services in the city,</p> <p>(2) how to reduce burden on funded organisations by standardising application and monitoring process, and to explore this with other funders</p> <p>(3) including a link to the Better Off Norwich platform in all relevant communications sent to customers and within their online council accounts to ensure they are</p> |

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| | | | | accessing their entitlements; and (4) working with digital hubs around Norwich to train volunteers on Universal Credit and the Better off Norwich platform. |
| 14 December 2017 | Corporate plan and performance framework | Adam Clark (Strategy manager) | To consider amendments to corporate performance KPIs | Resolved to recommend the draft corporate measures 2018-19 to council for approval. |
| 14 December 2017 | Equality information report | Adam Clark (Strategy manager) | Pre-scrutiny of the equality information report prior to it being considered by cabinet. | To note the equality information report. |
| 14 December 2017 | Emerging position on the 2018/19 budget and MTFS | Karen Watling (Chief finance officer) | To note latest financial forecasts, savings options and capital plans which will inform budget setting for 2018/19. | Resolved to note the Emerging position on the 2018-19 Budget and Medium Term Financial Strategy (MTFS) and HRA Business Plan |
| 25 January 2018 | Scrutiny of the proposed budget, MTFS, and transformation programme | Karen Watling (Chief finance officer) | To make suggestions to cabinet regarding the proposed budget's ability to deliver the council's overarching policy. | Resolved to note the pre-scrutiny of the proposed budget 2018-19 |

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| 25 January 2018 | Environmental strategy yearly update | Richard Willson (Environmental strategy manager) | Identification of any issues to consider and note successes and progress reported in the progress statement. | Resolved to ask cabinet to consider:- (1) working with partners to such as the BID and the UEA to facilitate the delivery of electric vehicle charging points, (2) working with producers of air quality sensors and researchers to ensure that good quality field data around air quality is produced; and (3) investigating the possibility of a social value and environmental framework to purchase assets |

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| 7 February 2018 | Call – in meeting Purchase of an asset | Anton Bull (Director of business services) | The decision notice published to councillors regarding the purchase of an asset had no supporting exempt documentation, making it largely meaningless. | Resolved to ask: (1) the director of business services to send an exempt pack of information relating to assets purchased to all members once a notice of key decision had been published, (2) the chief finance officer to simplify the information around the payback period within the exempt pack of information sent to all members; and (3) the democratic and elections manager to include an all members briefing on the treasury management strategy in the councillor development programme for the next civic year. |
| 22 February 2018 | The private rented sector | Paul Swanborough (Private sector housing manager) | To provide members with key information on housing conditions in the private rented sector and to consider the evidence presented at this meeting and considers any recommendations the committee | Resolved to ask cabinet to consider:- (1) Resourcing, far earlier, the introduction of additional HMO licensing in conjunction with a relaunched property registration scheme, |

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| | | | may wish to make | <p>(2) writing to the two Norwich MPs to ask them to investigate when the mandatory licensing scheme would be commencing</p> <p>(3) funding for more environmental health officers to inspect properties and try to identify rogue landlords; and</p> <p>(4) working with other organisations to facilitate private sector tenants forums.</p> |

An investigation into Access to Justice in Norwich

This civic year, when setting their work programme, the scrutiny committee chose to investigate the issue of access to justice. This was discussed at the November meeting.

The original scope for the item was for the committee to consider:

“The impact of legal aid cuts, changes to tribunal fees, debt and the impact of cuts to probation/prisons/courts.
The city council’s commissioning of advice services which provide elements of legal advice and how these work in Norwich”

Several speakers were invited to give evidence to the members and are listed below:

- Gareth Thomas, Director of UEA Law Clinic and trustee of the Eastern Legal Support Trust, (ELST)
- Janka Rodziewicz, Strategy Manager at Norfolk Community Advice Network, (NCAN)
- Judi Lincoln, advice and volunteer manager, Norwich Community Legal Service, (NCLS)
- Sue Bailey, President of the Norfolk and Norwich law society

The committee was presented with an array of evidence from the various speakers to support their understanding of the landscape of legal advice provision (particularly around social welfare law) and the changes that had been experienced over recent years.

Professor Thomas gave an overview of how the ability of citizens to understand and exercise rights was an integral part of the rule of law in our society, and that the changes to legal aid since 2013 had impacted on this. He provided an insight into the role of various stakeholders, including central government, the legal profession and the Voluntary, Community and Social Enterprise sector.

He explored how the provision of advice that was provided by the UEA law clinic and students supported this in practical terms. He also explained the role of the Eastern Legal Support Trust (ELST) in funding and supporting free legal advice in the region.

Janka Rodziewicz provided an overview of the Norfolk Community Advice Network (NCAN) and the various services provided by its members, as well as some of the issues that they faced. These issues included capacity, short-term funding, diversity of evaluation and increasing complexity of cases. She also explained how NCAN sought to address some of these issues and ensure that their

members' services were optimised for the benefit of service users. She also explained how the city council engaged with the sector, both as a part of NCAN and as a funder of and strategic influence on social welfare advice.

Focusing on the specific issues faced in the area of family law, Judi Lincoln explained how the changes to legal aid had resulted in a paucity of support to people navigating the court system. She explained that Norfolk Community Law Service (NCLS) had sought to respond to these issues by establishing a service that provides so-called litigants in person with a measure of 'handholding' and support in court. She was able to give some insight into the lived experience of the people who had used the service and how it was helping them

The final speaker, Sue Bailey, was able to give a legal profession perspective on the issue of access to justice. Again, she was able to give the committee a sense of how the changes to legal aid nationally had played out locally, and what this meant for residents, courts and the legal profession. She also touched on the impact on criminal law and how there was a similar gap in advice provision as had been discussed around civil and social welfare law.

Having heard this evidence, the committee was able to explore the issues further. Discussions covered diverse issues such as the role of volunteers, the tribunal system, the council's funding of social welfare advice and digital inclusion.

Recommendations

The committee formulated their recommendations around Access to Justice at their January meeting. A report on these recommendations was taken to cabinet for consideration on 14 March 2018. These recommendations and the responses to them were as follows:

Consider committing to a longer term for the council's funding for social welfare advice services in the city

Ideally we would commit to all voluntary community social enterprise (VCSE) funding over 3 years. However, with the current uncertainty around local government finance and ongoing challenge about how we respond to that through the council's transformation programme, all of our budgets for external funding need to be kept under review annually. We will continue to work with existing funding recipients so that they are aware of the terms and restrictions of any funding, and can plan accordingly.

Consider how to reduce burden on funded organisations by standardising application and monitoring process, and to explore this with other funders

We are working with Norfolk Community Advice Network, (NCAN) and the current social welfare providers to identify ways of standardising reporting without adding additional burdens, but providing consistent reporting that supports their ability to demonstrate the impact of their services. We are initiating conversations with other funders of these services locally to explore this further.

Include a link to the Better Off Norwich platform in all relevant communications sent to customers and within their online council accounts to ensure they are accessing their entitlements

This is not currently in place; cabinet could consider asking officers to consider the viability of this.

Work with digital hubs around Norwich to train volunteers on Universal Credit and the Better off Norwich platform

The city council regularly provide training to Voluntary Norfolk trained volunteers (based at Digital Hubs). This has included Switch and Save, smart meters, avoiding scams and working with people with disabilities. We ran a session for volunteers on Universal Credit, (UC) when the scheme first came to the city. It is in the digital inclusion action plan for Year 4 (2018/19) to redeliver this for the fully live service at an appropriate time. Voluntary Norfolk volunteers have supported people to make UC applications, and the UC team leader came to the external partners steering group in January to give an update to the group too. Regarding 'Better Off' Norwich information has been sent to all the volunteers on the digital inclusion programme and details are available on their web-resource site.

Conclusion

This piece of work was a good example of how the committee was able to consider a range of evidence from diverse stakeholders around an issue that is topical and has an impact on local residents. They were then able to relate this to the council's role and make concrete recommendations that can improve how the council works with other agencies to address the issue.

All of the minutes and materials used at this meeting can be found on the Norwich City Council website under:

Committees > Scrutiny committee > 23 November 2017

Or at this link:

https://cmis.norwich.gov.uk/live/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/4/Default.asp

Annual review page 23

Joint scrutiny bodies

Norfolk county health overview and scrutiny committee; Norwich City Council has a scrutiny member representative who sits on the Norfolk county health overview and scrutiny committee plus one substitute member. For the period 2017 – 2018 the member representative has been Councillor Julie Brociek-Coulton with Councillor Lesley Grahame being the substitute member.

The role of the Norfolk county health overview and scrutiny committee is to look at the work of the clinical commissioning groups and National Health Service (NHS) trusts and the local area team of NHS England. It acts as a 'critical friend' by suggesting ways that health related services might be improved. It also looks at the way the health service interacts with social care services, the voluntary sector, independent providers and other county council services to jointly provide better health services to meet the diverse needs of Norfolk residents and improve their well-being.

Please follow the link to the Norfolk county council website for papers and minutes concerning the above:

<http://www.norfolk.gov.uk/index.htm> and click on council and democracy then committee meeting dates, minutes, agendas and reports.

Norfolk countywide community safety partnership scrutiny sub panel; Norwich City Council has a scrutiny member representative who sits on the Norfolk countywide community safety partnership scrutiny sub panel plus one substitute member. For the period 2017 – 2018 the member representative has been Councillor Vaughan Thomas with Councillor Lesley Grahame being the substitute member.

The role of the Norfolk countywide community safety partnership scrutiny sub panel is to:

- Scrutinise the actions, decisions and priorities of the Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder on behalf of the (County) community services overview and scrutiny panel
- Scrutinise the priorities as set out in the annual countywide community safety partnership plan
- Make any reports or recommendations to the countywide community safety partnership.

While the scrutiny sub panel has the duty of scrutinising the work of the CCSP the police and crime panel scrutinises the work of the police and crime commissioner. There is a protocol regarding the relationship of these two panels to encourage and exchange information and to co-operate towards the delivery of their respective responsibilities. The community safety partnership meets on a half yearly basis at county hall.

Guidance for placing items onto the scrutiny committee work programme

The guidance takes the form of a **flow chart** which outlines the process by which members and officers can discuss the merits of producing a report to the committee. Once a request for scrutiny has been received by the scrutiny officer; the process begins with a meeting between the member making the request, the scrutiny officer and the relevant responsible officer to discuss whether a report to the committee is necessary and justified while taking account of the TOPIC **analysis**:

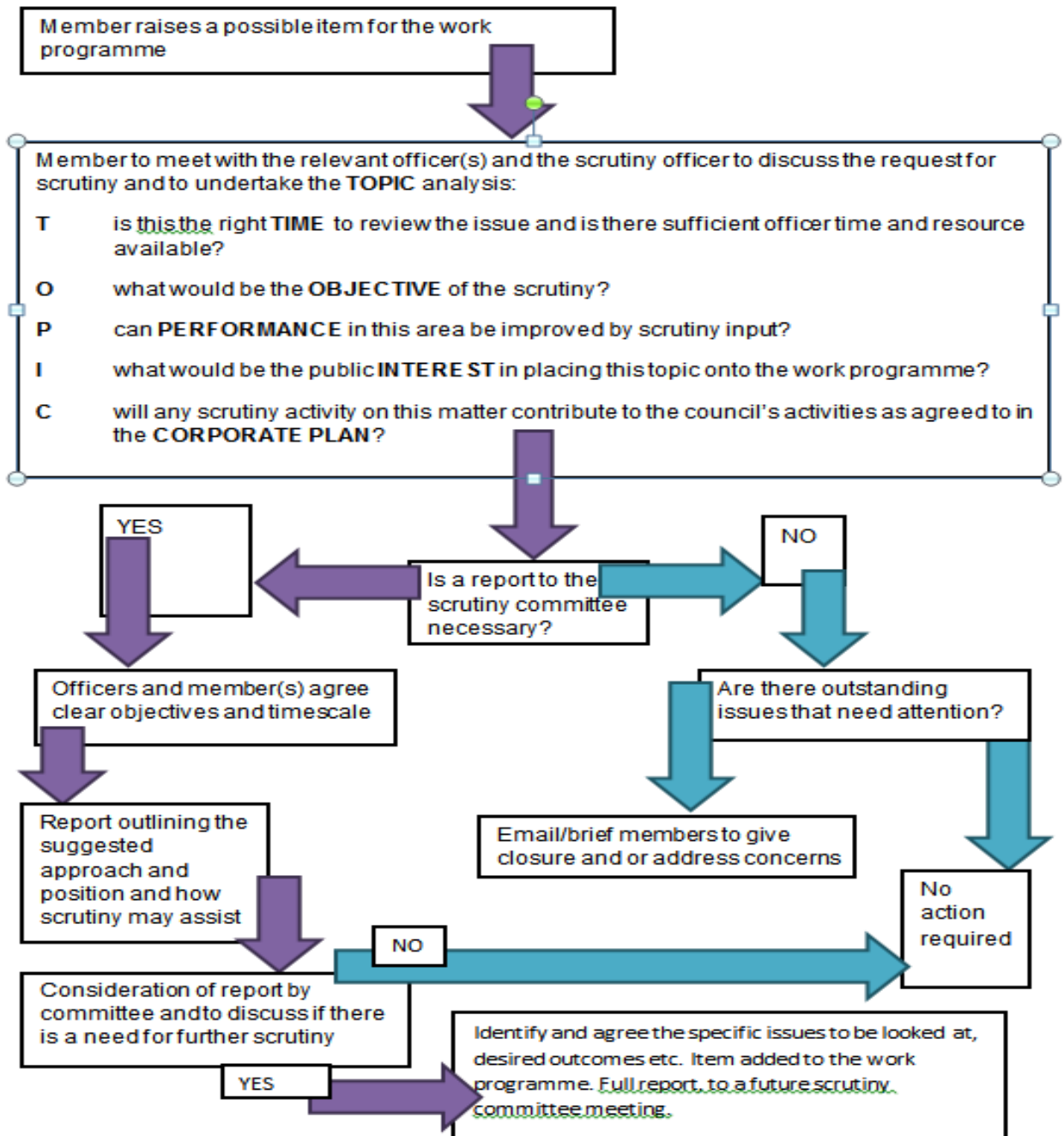
- T is this the right **TIME** to review the issue and is there sufficient officer time and resource available?
- O what would be the **OBJECTIVE** of the scrutiny?
- P can **PERFORMANCE** in this area be improved by scrutiny input?
- I what would be the public **INTEREST** in placing this topic onto the work programme?
- C will any scrutiny activity on this matter contribute to the council's activities as agreed to in the **CORPORATE PLAN**?

Once the TOPIC analysis has been undertaken, a joint decision should then be reached as to whether a report to the scrutiny committee is required. If it is decided that a report is not required, the issue will not be pursued any further. However, if there are outstanding issues, these could be picked up by agreeing that a briefing email to members be sent, or other appropriate action by the relevant officer.

If it is agreed that the scrutiny request topic should be explored further by the scrutiny committee a short report should be written for a future meeting of the scrutiny committee, to be taken under the standing work programme item, so that members are able to consider if they should place the item on to the work programme. This report should outline a suggested approach if the committee was minded to take on the topic and outline the purpose using the outcome of the consideration of the topic via the TOPIC analysis. Also the report should provide an overview of the current position with regard to the topic under consideration.

By using the flowchart, it is hoped that members and officers will be aided when giving consideration to whether or not the item should be added to the scrutiny committee work programme. This should help to ensure that the scope and purpose will be covered by any future report. The outcome of this should further assist the committee and the officers working with the committee to be able to produce informed outcomes that are credible, influential with recommendations that are; **Specific, Measurable, Attainable, Relevant and Time-bound**.

Guidance flow chart for placing items onto the scrutiny committee work programme



Public involvement and getting in touch with scrutiny

Meetings of the scrutiny committee are usually as informal as possible and as well as scrutiny members, are attended by cabinet portfolio members, officers, partners and anyone else who can assist with the work and provide evidence for reviews.

Members of the public are also welcome to attend the scrutiny committee meetings and can participate at the discretion of the committee's Chair. If you do wish to participate regarding an agenda item at a scrutiny meeting you are requested to contact the committee officer who will liaise with the Chair of the committee and the scrutiny officer. Any questions for the committee have to be received no later than 10.00 am on the day before the meeting but in order for you to obtain a thorough answer it would be helpful if you could contact us as early as possible. To contact the committee officer please phone 01603 212416

Getting in touch with scrutiny

If you are a member of the public and wish to find out more about the scrutiny process and the committee or if you have any queries regarding this Annual Review, please feel free to contact the council's scrutiny liaison officer; If you have any topic suggestions for scrutiny please use the form attached over this page and send it to the scrutiny liaison officer or hand it in at the council's reception – for the attention of the scrutiny liaison officer.

Lucy Palmer

Democratic team leader

Democratic services
Norwich City Council

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Request form to raise an item for Scrutiny Review

Councillors should be asked to carry out the following scrutiny review:

Please give your reasons (continue on a separate sheet if necessary)

Name:

Address:

Daytime Tel No

Email:

Date

Please return this form to Bethany Clark, Scrutiny Liaison Officer, Norwich City Council, City Hall, St Peters Street, Norwich NR2 1NH

Email: bethanyclark@norwich.gov.uk

