
EXECUTIVE MEMBER FOR ENVIRONMENT, FINANCE AND GOVERNANCE

A meeting of the Executive Member for Environment, Finance and Governance was held on Tuesday 10 August 2021.

PRESENT: Councillors B Cooper (Chair),

OFFICERS: S Blood, A Johnstone, J Savage, Symmonds, I Wright and A Hoy

APOLOGIES FOR ABSENCE: Councillors

21/4

CORPORATE DEBT MANAGEMENT POLICY

The Director of Finance submitted a report to approve the Corporate Debt Management Policy.

The report required approval as the introduction of a Corporate Debt Management policy is part of the Council's strategic direction, and as such requires single executive approval.

The report outlined that the purpose of this new policy was to provide clear guidance on the recording, reporting, recovering and monitoring of the Council's debt and income.

All service areas must follow this policy to allow the Council to maximise the collection of debts and income by using a co-ordinated approach but having due regard to the customer's ability to pay.

Whilst some parts of income recovery are governed by particular legislative requirements such as Council Tax, Business Rates, Adult Social Care Debt, etc, wherever possible the overall principle of recovering debt / income should be efficient and effective, always giving consideration to the financial impact on the Council when debt and income was not recovered.

This policy would underpin any specific recovery strategies and will be applied across all directorates.

This new policy will also support cross directorate cash collection / payment problem solutions where a shared customer base exists. It is envisaged that the approach will support residents and businesses that have multiple debts, and should be considered at a corporate level to reduce multiple officer engagements across directorates with the same resident and or business base.

The Council has a statutory duty to collect outstanding debt and does so in accordance with the Local Government Finance Act 1992 and the Council's Financial Procedure rules. The introduction of this policy is to support this duty but also to provide that collection approach / methods are consistent, fair and efficient across all of its services.

This policy was the 2nd of 4 policies being developed which bring together a significant number of supporting arrangements which will not only compliment but enhance the Council's social regeneration plans.

- Vulnerability Policy (Executive Approval on 16.6.2020)
- Corporate Debt Management Policy – (Seeking Approval)
- Corporate Welfare Policy – (In Design)
- Corporate Write Off Policy – (In Design).

This policy also links to the Council's Stop the Knock approach, where the aim is to reduce the number of cases sent to the external enforcement agent by improving debt collection practices.

This policy also sought to address other matters such as credits and how these will be offset

with other debts across the Council, pre contractual checks to ensure any monies owed to the Council are addressed, and the insertion of a new contractual provision which allows sums owed to the Council to be offset.

Options

Other potential decisions and why these have not been recommended

No other reasons required.

ORDERED

That the Corporate Debt Management Policy be approved.

REASON

The decision was supported by the following reason:

1. This policy would allow Middlesbrough Council to provide a comprehensive approach that provides for flexibility based on the customer needs rather than applying a standardised offering that prevents effective collection methods.
2. It also highlights the Council's commitment to supporting the Town's most vulnerable when collecting debt / income

21/5

SURVEILLANCE POLICY 2021/22

The Director of Legal and Governance Services submitted a report that sought approval of the proposed corporate Surveillance Policy for 2021/22.

The report required a decision as Guidance underpinning the Regulation of Investigatory Powers Act (RIPA) 2000 states that elected members should review the Council's use of RIPA powers and set the RIPA policy at least once per annum.

Use of RIPA powers was considered annually by Culture and Communities Scrutiny Panel and Corporate Affairs and Audit Committee, last on 15 and 29 April 2021 respectively.

While broader in scope, this proposed policy subsumes the Council's RIPA policy and reflects discussions with those groups and Investigatory Powers Commissioner's Office following a periodic inspection of the Council's use of RIPA powers in December 2020.

The report outlined that RIPA was the law governing the use of surveillance techniques by public authorities, including local authorities. RIPA requires that when public authorities need to use covert techniques to obtain private information about someone, they only do so if surveillance is necessary, proportionate, and compatible with human rights. Typically this relates to suspected criminal activity that is likely to result in a custodial sentence of six months or more.

In such instances, covert surveillance can be undertaken, subject to magistrate approval, if it is not possible to gather sufficient evidence to secure a prosecution without this. The majority of RIPA applications made by the Council relate for enforcement in relation to tobacco, alcohol and counterfeit goods. The Council's use of RIPA has reduced annually since 2015, with no applications made in 2020 primarily due to the impact of the pandemic on regulatory activity.

The report outlined that the policy relating to RIPA was updated annually and was last approved by the then Executive Member for Finance and Governance in February 2020.

In late 2020 the Council was subject to a (periodic) inspection by the IPCO regarding its use of RIPA powers. In summary, the conclusions of this inspection (reported in full to Corporate Audit and Affairs Committee on 29 April 2020) were that the Council has a strong compliance regime for the use of RIPA powers, with the use of the Electronic Document and Records Management System highlighted as a particular strength.

No formal recommendations for improvement were made by the IPCO following this inspection, however the Council agreed with the IPCO that from now on it will maintain an

overarching Surveillance Policy (Appendix 1 of the report), which will cover CCTV, RIPA, non-RIPA covert surveillance and the surveillance of employees.

This was necessary to ensure that any covert surveillance undertaken by the Council that does not meet the RIPA threshold is lawful and that due regard is given to human rights and to data protection rights, and to clarify for the benefit of employees when and under what circumstances they will be subject to surveillance.

OPTIONS

Other potential decisions and why these have not been recommended

The Council could choose to update the existing RIPA policy and develop and implement separate policies relating to non-RIPA surveillance, employee surveillance and other issues not currently covered by policy. However, this is not recommended, as a single policy provides for a coherent and systematic approach and is in line with the Council's commitment to openness and transparency.

ORDERED

That the proposed corporate Surveillance Policy for 2021/22 be approved.

REASON

The decision was supported by the following reason:

To demonstrate the Council's compliance with all legal duties relating to surveillance and to provide clarity to all stakeholders in a single policy document the circumstances under which the Council will use surveillance and how this will be done.

The decision(s) will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures