

## ECB Board Meeting – 18 January 2023

CDER Group Offices, 9th Floor, Peninsular House, 30-36 Monument Street, London, EC3R 8LJ - 1pm to 5.30pm

**Attending:** Catherine Brown (CB) (Chair); Alan Cavill (AC); Ged Curran (GC); Althea Efunshile (AE); Jenny Watson (JW); Chris Nichols (CN); Marc Etches (ME).

### Minutes

#### 1. Welcome & declarations of conflict of interests

CB welcomed all present including CN who was attending ahead of his formal start date as CEO on 6 March 2023. CB invited everyone to introduce themselves.

CB invited declarations of conflict relating to the agenda. No conflicts were declared. However, JW declared that she has recently become a trustee of Mossbourne Charitable Foundation and a Director of Tutelar Limited, a company established to help protect people from gambling-related harms.

#### 2. Minutes of the previous meeting – 15 December 2022

The minutes were accepted as being an accurate record, and the Board authorised publication on the ECB website.

#### 3. Matters arising

In terms of actions arising:

- ME will follow up his discussions with a contractor to produce a fortnightly blog to be published via the website, including making introductions to Atticus Partners.
- ME shared with the Board that the contract with Atticus Partners (AP) – provider of public affairs and public relations support – had expired at the end of December. Agreement had been reached for AP to continue working on a rolling-basis with a two-month notice period for either party. ME will make introductions to CN who will update the Board on his developing thinking on comms at an early Board meeting post appointment.

#### 4. Board Members Updates

CB invited Board members to share insights, experiences and reflections gained in the period since the last Board meeting.

- GC noted that the recent article in the Local Government Magazine has been well received and that he was in contact with Birmingham City Council in relation to ‘in-house’ contracting of enforcement services. Also, GC confirmed he had accepted the invitation by StepChange Debt Charity to attend its 30<sup>th</sup> Anniversary celebration event being held in the House of Commons on 25 January 2023.

- JW reported that she is due to accompany an enforcement officer in Norfolk in the coming days.
- CB reported on the various meetings held during the previous four weeks, including:
  - Welsh Local Government Association representatives
  - Various members of the Senedd Cymru (Welsh Parliament)
  - CIVEA – President, Deputy President, and CEO
  - CDER Group Limited - CEO
  - High Court Enforcement Officers Association (HCEOA) - Chair
  - Cabinet Office – newly appointed lead official on Government debt management policy
  - Ministry of Justice – newly appointed lead official for civil justice & law policy
- CB reported her recent interview by the BBC on ‘You and Yours’ and an interview with The Guardian due to be published imminently. GC suggested that an article in the Financial Times might be helpful in further raising the profile of the ECB with LA treasurers. ME will follow up with Atticus Partners.
- The Board discussed opportunities to encourage large local authorities to take leadership positions regarding the ECB’s request for creditors to procure only those enforcement services that are accredited by ECB. GC offered to make enquiries at senior executive level at both Birmingham and Manchester City Councils.
- The Board discussed stakeholder engagement and agreed to establish a new Stakeholder Engagement Forum with a first meeting to be held in February to be chaired by CB after which CN would organise and chair. The Board agreed to invite those that had been members of the original Enforcement Oversight Working Group that authored the report recommending the establishment of the ECB, with the addition of a representative of the HCEOA. The agenda will focus on agreeing the remit and full membership of the forum and a discussion on our draft business plan. ME will make the necessary arrangements.

## **5. Establishment of ECB: progress report**

The paper was taken as read. ME noted that work was underway to ensure an effective hand-over of the accounts and all operational matters to CN following his arrival in March.

## **6. Business planning discussions**

Board members spent time discussing in detail:

- a. Draft business plan and priorities
- b. Draft budget for next year and the levy

Overall the Board was positive about the draft and suggested it could be further strengthened by the introduction of a CEO’s foreword, and more emphasis on the bigger picture, mission and collaboration in the Chair’s foreword.

The Board agreed that this initial business plan should focus on the 12 months ending 31 March 2024 and early priorities will be to:

- Collect data from enforcement and debt advice sectors to inform a transparent evidence-base to better understand the reality of the situation.

- Review the current processes for complaints, give guidance about how a robust, fair, and accessible complaints system ought to operate, and produce a plan to take over responsibility for the independent stage of non-ombudsman complaints.
- Produce a plan to consult widely on the development and implementation of a robust code of practice including rules on how to identify and deal with vulnerability and affordability.
- Establish the widest possible coverage so that no enforcement agency, whether privately owned or in-house, can avoid the rules. This will require local authorities, Government departments and other responsible creditors to commit to only working with enforcement agents who are accredited by the ECB.
- Continue with work to establish the body and build its effectiveness, including establishing mechanisms for stakeholder engagement and technical advice.

The Board agreed it will share a draft business plan with the ECB Stakeholder Engagement Forum in February to garner its input and aim to publish a final document at the start of April.

The Board reviewed a draft budget and discussed possible levy rates. The establishment costs provided by CIVEA members was equivalent to 0.34% of enforcement-related turnover of those companies for the year ending 31 December 2021. The Board agreed to a first step of writing to all CIVEA and HCEOA members to ascertain the turnover data for the 12 months ending 31 December 2022, indicating that the Board's current assessment is that a levy of 0.5% will be the minimum required to enable the ECB to make appropriate progress towards agreed objectives. ME will send out an agreed letter before the end of January.

The Board agreed that once a budget for 2023/24 is finalised, it will establish a reserves policy of no less than three months of operating costs. The Board also agreed to introduce a 'scheme of delegation' following CN's arrival as CEO in March.

## **7. Any Other Business**

Board members reviewed the CARE Panel report provided by CIVEA and agreed to engage with the members of the Panel as the ECB works towards taking full responsibility for the final adjudication stage of complaint handling in 2024.

Board members discussed the Enforcement Agent (Bailiff) Fee Review 2023 by the Ministry of Justice noting the deadline for submissions is 20 February. It was agreed that a brief submission from the ECB would be appropriate, and CN will draft something working with CB that includes the following points.

- Any increase to any element of the fees should be contingent on accreditation by the ECB.
- The MOJ should look specifically at the impact of the current rules as they relate to the consolidation of fees for individual people who have more than one enforceable debt outstanding.
- MOJ should consider whether there is any scope for changes to the fee regime to encourage responsible creditor behaviour.

The Board also discussed whether there would be benefit in having a secondary purpose along the lines of “supporting high quality, ethical enforcement” or “supporting fair and effective enforcement”. CB said that although she did always seek to emphasise that the ECB recognises the importance of enforcement and the contribution it makes to the public good and underpinning the justice system, our current mission of “ensuring that everyone experiencing enforcement is treated fairly” does not encapsulate that element of our thinking. There was a discussion and unanimous agreement that we should recognise the importance and social value of fair and well conducted enforcement. It was agreed that this does not need to be an additional “purpose” but it would be useful to have a phrase that we could use in official documents as well as interviews that reflected that commitment. CB and CN to reflect further and work up a formulation.

#### **Meeting with representatives of the Enforcement Industry**

In the margins of the Board meeting the ECB Board met with representatives of CIVEA and the HCEOA and had a positive exchange of views which all involved said they had found most useful and illuminating and offered a sound basis for future collaboration.