

## ECB Board Meeting – Wednesday 4 October 2023

Venue: Grand Connaught Rooms, Covent Garden

**Member attendance:** Catherine Brown (Chair), Alan Cavill, Gerard Curran, Althea Efunshile, Jenny Watson

**In attendance:** Chris Nichols, David Parkin, Hannah Semple, Jen Prior (minutes)

### Minutes

#### Item 1: Welcome, apologies and declarations

1. The Chair welcomed all present and in particular the Director of Policy and Oversight, Hannah Semple, attending her first meeting.
2. The Chair also noted that the CEO was now officially a full Board member.
3. There were no new declarations of interest to report.

#### Item 2: Minutes of the previous meeting

4. With two minor drafting adjustments, the minutes of 4 September 2023 were **agreed** as an accurate record of the meeting.

#### Item 3: Matters arising

5. The Chair discussed the ongoing Board member appraisals and noted that there was an appetite for the introduction of a Chair's blog after each Board meeting. The executive would develop a draft blog for her approval after the meeting (**ACTION**).
6. Other themes arising from the appraisals would be brought to, and discussed at, a Board meeting in due course.
7. The Board requested an organogram of the organisation for the next meeting (**ACTION**).
8. The Board **noted** the action tracker.

#### Item 4: Chief executive's report

9. The Chief Executive talked to the report. The following points were raised in discussion:
  - i. Accreditation: A large number of applications had already been received from both civil and high court firms and a high uptake of accreditation across the

industry was likely. On the day of launch, the CEO attended a meeting with the CIVEA Executive Council which provided the opportunity for thoughtful questions and robust but positive discussion.

- ii. Creditors: There has been further positive developments through engagement with the Welsh Local Government Association.
- iii. Board member engagement: Board members were keen to take further opportunities for external engagement to further the ECB's mission and engaging with stakeholders on the accreditation standards would be an ideal opportunity. The Communications and Engagement Strategy would be presented to the Board before the end of the calendar year and include details on how Board members could contribute (**ACTION**).
- iv. Data protection: In answer to a query from the Board it was confirmed that the ECB is currently following all relevant data protection rules in its capacity as a small, low risk organisation. As the ECB begins to develop its complaint handling function, new processes will need to be introduced with more stringent protections. At that point, it would be likely that the ECB would voluntarily register with the Information Commissioner's Office.

10. The Board **noted** the Chief Executive's report.

#### **Item 5: Statutory Underpinning**

11. The Director of Creditors and Government introduced a paper setting out the executive's recommendation on whether, and if so how, the ECB should seek statutory underpinning and identity for its work.
12. The Board discussed the advantages and disadvantages of the three options as set out in the paper (full statutory underpinning, targeted statutory underpinning and no statutory powers) and raised the following points in discussion:
  - i. It was noted that irrespective of this debate, there was much that could be achieved with the present model and even if statutory underpinning became a legislative priority, it could be a number of years before it would become a reality.
  - ii. Independence and agility were important to ECB effectiveness. Full statutory underpinning, while arguably attractive for long-term sustainability and supported by some stakeholders, could potentially be a risk to this.
  - iii. Limited statutory underpinning, with selective powers, could help the ECB to retain independence while allowing it to strategically strengthen areas of its operations, and potentially enabling it to make a bigger impact, more quickly than would otherwise be possible.
13. The Board **agreed** with the recommendation set out in the paper; that a limited statutory underpinning would be the optimal approach for strengthening the ECB's position with targeted powers whilst preserving independence, agility and dynamism.
14. The Director of Creditors and Government would work up a paper for a future Board meeting to identify what the targeted powers might be and when we would wish them to be implemented, to be used in discussion with current and future governments (**ACTION**).

## Item 6: Research and evidence

15. The Director of Creditors and Government presented the executive's current plans and thinking for research and evidence gathering which is one of the priority workstreams set out in the ECB's business plan.
16. The Board discussed the overall methodology and areas for exploration of the Body Worn Video research project and raised the following points in discussion:
  - i. The Selection Panel convened to choose the research company from the invitation to tender (ITT) should include at least one Board member. On that basis the Selection Panel could take the decision on the company to award the work with no requirement to refer the decision to the full Board. The executive would confirm details with nominated Board members prior to the ITT launch date (**ACTION**).
  - ii. The selected research company should present their proposal for the project to the full Board, ideally prior to the launch of the project.
  - iii. The Board confirmed that the purpose of the research should be to establish a general benchmark of themes and behaviour to inform the development of National Standards. It is not to be considered (or communicated) to be part of the Board's oversight function, in which the ECB considers the performance and variances between individual firms.
  - iv. Future iterations of the project would potentially also contribute to the ECB's oversight function.
  - v. The data resulting from the project would provide a robust evidence base that would continue to get stronger throughout iterations of the project.
  - vi. Researchers should record the debt category (council tax, parking, traffic etc.) in the analysis to determine whether behavioural issues are more/less prevalent in these areas.
  - vii. Researchers would be asked to advise on how best to capture the number of cases where no accompanying video is available.
  - viii. The researchers should be asked to note instances of overt discrimination (of a racist, sexist, ableist nature etc.) but would not be asked to make judgements on marginal/unclear cases or take a view on systemic discriminatory practice.
  - ix. It was recognised that it would not be possible to capture demographic data about debtors on the basis of the videos and that therefore the research would not provide robust insight into the different experiences of people from different communities experiencing enforcement. This is an area that will require further consideration in future work plans.
  - x. The Board was content that any evidence encountered of safeguarding or potentially criminal behaviour should be raised by the researchers direct with the firm, without ECB intervention.
  - xi. Threats or intimidating behaviour to enforcement agents should be given more prominence in the list of research themes.
  - xii. The number of videos analysed by researchers should be broadly proportionate to a firm's market share.
17. The Board **agreed** the proposal in the research paper subject to the amendments and additions discussed and **agreed** that the team could proceed to issue a project invitation to tender on the CEO's direction.

## Item 7: Draft Matters Reserved to the Board and Scheme of Delegation

18. The Head of Governance and Operations presented the ECB's draft *Matters Reserved to the Board* and accompanying *Scheme of Delegation*. The aim of this document is to set out which matters, decisions and processes the Board have delegated to the CEO.
19. The Board discussed the draft, and the following amendments were made:
- i. Principles overall:
    - o Point III: The CEO does not need to consult the Chair when delegating CEO functions
    - o Point V: The CEO may enter into contracts only within the confines set out in the Financial Scheme of Delegation
    - o Added clause: The CEO should consider whether a decision is 'novel or contentious' and if so, should bring it to the Board for consideration even if it is under the authorisation limits
  - ii. Delegations from Board to Chief Executive:
    - o Added task: Keep the Board appropriately apprised of progress against the business plan, strategy and of its financial position.
20. The Board **agreed** the document, subject to the amendments described.

#### **Item 8: Financial policy and Financial Scheme of Delegation**

21. The Head of Governance and Operations presented the ECB's draft *Financial policy* (including appended *Procurement Policy*) and *Financial Scheme of Delegation*. The aim of policy is to establish the financial control framework for the organisation.
22. The Board discussed the draft, and the following amendments were made:
- i. Fraud and corruption: Any concerns regarding the CEO should be brought directly to the Chair.
  - ii. Procurement Policy:
    - o To increase the executive's efficiency of operation, the policy would activate with purchases over £5000 rather than £2000 as drafted.
    - o Waiving the procurement policy would need approval from both the CEO and the Chair.
  - iii. Segregation of duties: More detail to be included on how duties are segregated, how the bank reconciliations work and how the inevitable compromises would be mitigated as far as possible.
23. The Board also discussed the potential costs and benefits of an external audit. This issue would be added to a future agenda for further discussion before the next annual accounts cycle (**ACTION**).
24. The Board **agreed** the document, subject to the amendments described.

#### **Item 9: Budget reforecast**

25. The Head of Governance and Operations presented the mid-year budget reforecast which presented a projection of the ECB's anticipated financial performance over the remainder of the financial year.

26. The Board discussed the reforecast, and the following points were raised:
- i. The current small operating surplus was discussed and it was requested that during the 2024/25 budgeting process, thought should be given to a reserves policy and a recommendation should be brought to the Board for approval **(ACTION)**.
  - ii. The contingency provision currently budgeted for should remain as the increased precision in the reforecast made it more likely to be needed on occasion.
27. The Board **approved** the mid-year budget reforecast and **approved** the proposal to allocate an additional £10-£20k to the research project.

#### **Item 10: Annual Accounts sign off**

28. The Head of Governance and Operations presented the ECB's Year-end Accounts.
29. The Board discussed the accounts, reviewed the included notes and had discussion on the financial controls. The following amendments were made to the accounts:
- i. A correction to a Board member's name.
  - ii. The addition of the date by which the CIVEA loan would be repaid.
30. The Board agreed that the ECB remained a going concern.
31. The Board **approved** the Annual Accounts, subject to the amendments described.
32. Once the amendments are made, the Chair would sign off the accounts before they would then be filed, by the ECB's accountants, with Companies House (**ACTION – completed**).

#### **Item 11: AOB**

33. The Board discussed the stakeholder session with the Local Government Authority scheduled for the next morning.
34. The Board agreed with the CEO's proposal for Martin Coppack (Fair by Design) to attend an upcoming Board meeting and contribute to a discussion on vulnerability.

#### **Reappointment of the Chair**

35. The Chair was asked to leave the room to allow Board members to discuss her potential re-appointment for a further three-year term.
36. Board members reflected on the recent performance appraisal that they had undertaken, which concluded that the Chair had been leading the ECB very effectively.
37. Board members discussed and agreed that the Board should invite the Chair to continue in post for another term. Determining this now would provide certainty and continuity during an important period for the ECB.

38. On being informed of the decision, the Chair thanked the Board for their proposal and agreed to undertake a further three-year term when her current term came to an end.

**Private session**

39. The Board met for a private session.