

ECB Board Meeting – Monday 6 November 2023

Venue: Zoom meeting

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

In attendance: Hannah Semple, Jen Prior (minutes)

Minutes

Item 1: Welcome, apologies and declarations

1. The Chair welcomed all present.
2. No new declarations of interest were made.

Item 2: Minutes of the previous meeting

3. With minor drafting adjustments for the sake of clarity on publication, the minutes of 4 October 2023 were **agreed** as an accurate record of the meeting.

Item 3: Matters arising

4. The Board returned to the discussion from the October meeting on statutory underpinning. The Chair clarified the ECB's position which was that the ECB is in favour of seeking statutory underpinning in a way that maintains its independence and avoids any possible disadvantages of becoming embedded within the machinery of government.
5. The Board **noted** the action tracker.

Item 4: Chief executive's report

6. The Chief Executive talked to the report. The following points were raised in discussion:
 - i. *Engagement with Transport for London*: The Chair, with the Director of Creditors and Government, will write to the Transport Deputy Mayor in order to seek senior

- level political support for TfL making a commitment to only work with ECB accredited providers (**ACTION**).
- ii. *Chair's blog*: it was agreed that this was a useful addition to the ECB's communications and engagement work and should continue.
 - iii. *Ministry of Justice consultation on Taking Control of Goods*: There were a number of policy matters that the ECB would need to respond to before the deadline of 4 December 2023. Due to Board meeting timings, it was agreed that the Executive would draft a response to the consultation and then circulate to the Board for comment and approval (**ACTION**). In particular, the Board discussed the following points:
 - The response should make clear that the ECB is actively working in this area, and so the MoJ needs to be mindful of any requirements that it might propose that could overlap with requirements under the ECB's own future standards
 - For example, the Board felt that in time the ECB would likely be in a better position than the MoJ to establish the content and optimal presentation of the proposed mandatory 'Information Sheet' to be enclosed with each Notice of Enforcement.
 - iv. *Oversight of inhouse Local Authority teams*:
 - Local Authorities have expressed concern regarding the potential for financial sanctions. The Board discussed these concerns and felt that if the ECB did incorporate financial sanctions into its sanctions toolkit in the future, it was difficult to envisage that it would impose them on a public body.
 - The levy for Local Authority inhouse teams seeking accreditation has not been confirmed yet.
7. The Board **noted** the Chief Executive's report.

Item 5: Health and Safety policy

8. The Head of Governance and Operations introduced the draft Health and Safety policy. This policy identifies and aims to mitigate the various hazards faced by colleagues in their work for the ECB. The policy is split into two sections; the main policy covers the day-to-day work of the ECB and the second section covers colleagues shadowing enforcement agents.
9. The Board discussed the draft policy, and the following points were raised on the main policy:
 - i. It was agreed that the main policy section applied to employees and workers of the ECB only and not to Board members.
 - ii. When discussing work hours, it should be made clear the colleagues are allowed to work flexibly but should be discouraged from regularly working longer hours than they are contracted for.
10. The Board **agreed** the main Health and Safety policy, subject to the amendments described.

11. The following points were raised on the shadowing section of the policy:
 - i. This section of the policy would continue to evolve as more staff undertook shadowing work and fed back into the policy.
 - ii. Risk assessments from enforcement agencies would also be reviewed, adapted and incorporated into this policy.
 - iii. The Board agreed that the shadowing policy applied to everyone who undertook this work, including Board members, employees and other workers.
 - iv. Further thought was required on when personal protective equipment should be requested and worn.
 - v. It was suggested that more thorough preparatory discussions between the colleague and the enforcement agency should precede shadowing sessions. These discussions could also cover whether the accompanying agent recommends personal protective equipment on this occasion.

12. The Board **noted** the shadowing section of the policy and agreed to review it again once updated (**ACTION**).

Item 6: Privacy policy

13. The Head of Governance and Operations presented the ECB's draft privacy policy. The policy explains how the ECB processes and uses the personal data it collects and stores.

14. It was noted that once the ECB begins to develop its complaints handling function, new processes would need to be introduced with more stringent protections.

15. Once agreed, the policy would be uploaded to the ECB's website.

- 16.** The Board **agreed** the privacy policy.

Item 7: Quarterly Financial report

17. The Head of Governance and Operations presented the second Quarterly Financial Report which detailed the ECB's financial performance to 30 September 2023.

18. A mid-year reforecast was carried out in September and was approved at the October Board. The ECB's quarterly financial performance was reported against this reforecast and therefore due to the short time between the reforecast and the quarterly report being produced, very little variance was seen against budget.

19. The Board **noted** the report.

Item 8: Outcomes of the Annual Board Review

20. The Chair presented a paper on the outcomes of the Annual Board Review. The purpose of this note was to share the key themes that emerged from the individual Board member review discussions.
21. The Board discussed the review, and the following points were agreed:
- i. The Board's membership would be reviewed and second terms adjusted/confirmed by September 2024
 - ii. A potential sub-committee would be considered as part of the proposals for complaint handling
 - iii. The number of Board meetings would be reduced to eight per annum
 - iv. A reflection section would be added to the end of each Board meeting to give an opportunity for members to raise anything not covered on the agenda
 - v. The Board would continue to invite stakeholders to attend Board meetings
22. Other actions suggested by Board members:
- i. Another Board to Board or similar meeting with CIVEA and/or the High Court Enforcement Officers Association in April would be beneficial
 - ii. ECB's stakeholder analysis should be refreshed with particular attention to any potential gaps
23. It was noted that an option paper on independent Board evaluations was scheduled for discussion at the March 2024 meeting.
24. The Board **noted** the Outcomes of the Annual Board Review.

Item 9: AOB

25. There were no other items discussed.

Item 10: Reflection section

26. The Board reflected on the meeting and discussed emerging themes.

Private session

27. The Board met for a private session.