

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

RESOURCES OVERVIEW & SCRUTINY PANEL MEETING

Minutes

WEDNESDAY, 23 JUNE 2021

PRESENT: Councillor G Heath (Chair)

Councillors C J S Atkins, B Cawley, E Fallows, T Hall, A Hart, N Hawkins, T Holmes, K Hoptroff, B A Hughes, K J Jackson, J T Jones, L A Malyon, J Porter, S E Ralphs MBE, T Riley, P Routledge, D Shaw L Swindlehurst and P Taylor

IN ATTENDANCE: S Hampton Member and Community Services Officer
P Trafford Member & Community Services Officer
CHazeldene Acting Executive Director (Finance and Customer Services)
M Forrester Democratic & Community Services Manager

APOLOGIES: Councillors J Davies, M Gledhill, P Wilkinson and N Yates

1 **NOTIFICATION OF SUBSTITUTE MEMBERS, IF ANY**

Cllr. B Cawley attended as substitute for Cllr. N Yates.

2 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting of the Resources Overview & Scrutiny Panel held on 24 March 2021 be **APPROVED** as a correct record and signed by the Chair.

3 **URGENT ITEMS OF BUSINESS, IF ANY (24 HOURS NOTICE TO BE PROVIDED TO THE CHAIRMAN)**

There were no urgent items.

4 **DECLARATION OF INTERESTS:**

There were no interests declared at this point in the meeting. However, Cllr. P Routledge later declared, during agenda item 6 (Call-in of the Delegated Decision on Community Orchards) that he was a member of the Woodland Trust.

5 QUESTIONS TO PORTFOLIO HOLDERS, IF ANY

Question from Councillor Gledhill:

Q1. What is the Council's policy on the use of bailiffs in relation to Council Tax matters?

Response from Councillor Ralphs, Leader of the Council:

"The Council has a statutory duty to undertake recovery action for non-payment of Council Tax in line with the Council Tax Administration and Enforcement Regulations 1992 (as amended) and takes a firm but fair application of the legislation in order to maintain income receipts to fund essential front line services.

Prior to Enforcement Agents being engaged, there are a number of steps which are taken. These include reminder notices, final notices and summons. At each of these stages, we encourage customers to make contact with the Council in order to discuss their Council Tax account and establish a payment arrangement. During the Coronavirus pandemic, the Council issued an informal letter (prior to reminder notice) as an additional step with signposting to external agencies who can support with financial hardship, recognising the impact COVID-19 may have had on households. The Council also provides options to pay Council Tax in instalments over 12 months (rather than 10) and a choice of three payment dates if paid via Direct Debit.

If recovery gets to summons stage and a liability order is awarded at Court, this secures the debt and provides additional steps to take enforcement action. Where possible, the Council explores the use of attachment of earnings/benefits – which results in a weekly reduction (amount in line with regulations based on amount earned) from salary/benefits. At the point all other recovery options have been exhausted, the Council would then consider passing the account to Enforcement Agents. However, where the Council is aware that the customer is vulnerable, further action is taken internally to avoid where possible, the account going to the Enforcement Agent. However, if no other way of collecting the debt has been secured, it may be passed on as a separate upload and the Enforcement Agent would be informed of the possible vulnerability.

Enforcement Agents operate in accordance with the Human Rights Act 1998, Equality Act 2010 and Taking Control of Goods Regulations 2014. Even when an account is passed to Enforcement Agents, we request them to issue a 'pre-compliance' letter – there is no requirement to issue this under regulation, but it provides an opportunity for the customer to make contact and agree an arrangement prior to any fees being added. The Enforcement Agents are required to identify any vulnerabilities (which the Council may not have been aware of) and have specific welfare and safeguarding teams established and work alongside support organisations which provide debt advice. Where vulnerable customers are identified Enforcement Agents would notify the Council and the account may be returned.

The Council are looking at working more closely with the Citizens Advice Bureau (CAB) with a view to signing up to their Council Tax Protocol which encourages the Council, Enforcement Agencies and the CAB to work in partnership to support those in genuine financial hardship.

Officers have provided presentations to Resources Committee previously in respect of the recovery process, but this could be added to the Committee work programme so a full update could be provided if Councillors feel this would be beneficial."

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Cllr. Gledhill was unable to attend the meeting, so Cllr. Atkins asked the following supplementary questions:-

- How does the Council monitor bailiff actions in relation to the vulnerability of debtors from a financial and health aspect? Do we liaise at the 7-day letter stage?
- Is there a threshold on the amount of a debt passed to bailiffs? How many cases are being dealt with by bailiffs and how does this compare with previous years?

Cllr. Ralphs confirmed that bailiffs were used only as a last resort after all other efforts to recover the debt had failed. Bailiff behaviour and procedures were monitored, as was their Code of Conduct. Very few complaints were received and the authority was conscious of vulnerable people.

Specific information would be provided in writing to Cllr. Gledhill as soon as possible and the matter was to be discussed at the next Group Leaders' meeting.

6 CALL-IN OF DELEGATED DECISION REF. 2021/01 - COMMUNITY ORCHARD SCHEME

Cabinet members had considered a report which confirmed that during the late 2020/21 planting season the Council piloted 7 orchards to test out elements of a scheme which was proposed for extension by a further 23 locations, with planting taking place in November / December 2021. A budget of £10,000 had been earmarked from within the existing Community Planning budget.

The decision made was:-

That the Community Orchards Scheme be approved.

Following this decision, Call-in requests had been received from Councillors K Hoptroff, M Gledhill, B Cawley, L Swindlehurst, P Taylor, D Price, N Yates and C Atkins.

The Call-in request confirmed the following principles of decision making which they believed had not been adhered to:-

- Taking due regard of all relevant considerations and disregarding irrelevant considerations (“The policy is designated “community orchards”. There is no evidence that communities in which the initial orchards were placed have been consulted in their positioning. The manual in establishing orchards “Community Orchard Handbook (2008) lays out clearly the process in the establishment of orchards and the involvement of the community in clear steps including communicating objectives, timescales for tasks such as outreach, publicity, organising volunteers, planting and above all maintenance. There is no evidence that any work has been done in securing these objectives outlined in 7.9 of the cabinet paper”.);
- Taken on the basis of due consideration (“The decision to move forward via a cabinet delegated decision (CDD) has also prevented councillors from discussing this report. This mechanism is usually reserved for matters of urgency”.);

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- A presumption in favour of openness (“Unfortunately in the pilot schemes a hallmark of the policy as operated since the start of the year has been the opposite of openness. Ward Councillors have not been informed of the siting of the orchards and have been presented with a fait accompli”.);
- Clarity of aims and desired outcomes (“How will this approach lead to the desired outcome communicated in the July 2019 SMDC declaration on making the area carbon neutral by 2010? There is a lack of clearness or sense of purpose of where the planting of community orchards fits within the strategy”.).

Members debated in detail the points contained in the delegated report and in the call-in, with key points being:-

- The scheme centred around carbon offsetting rather than carbon reduction;
- The scheme had been discussed previously both at SMDC meetings and at Parish Assembly. Parish Councils had also contributed to discussions, proposing sites. Also discussed with Haregate Community Centre;
- Each orchard would contain between 15 – 40 fruit and nut trees, together with a variety of other trees and bushes;
- Important to ensure that future maintenance of the orchards continues ‘when’ the initial volunteer impetus falters;
- Engaged with Keele University to ensure that the Climate Change benefits of the scheme were quantifiable;
- Orchard development was educational for children and encouraged healthy eating;
- Details of the ongoing costs related to the scheme were needed.

The matter was then put to a vote, indicated by a show of hands:-

In favour of the Call-in:

3 votes

Against the Call-in:

7 votes

Abstentions

None

In accordance with the procedure for consideration of Call-ins, Cabinet would be asked to note or take account of concerns as it saw fit without holding up the implementation of the decision.

7 WORK PROGRAMME

Members requested that the following items be added to the Work Programme:-

- Ongoing costs of the Community Orchards Scheme;
- Installation of LED lighting within Moorlands House;

RESOLVED – That the 2021/22 Work Programme be **AGREED**, subject to the addition of the above for a future meeting.

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This was the last Resources O & S Panel to be attended by Claire Hazeldene, who was due to leave the authority in the near future. Claire introduced John Betts, the Interim Chief Finance Officer.

Members thanked Claire for her work for the authority over the preceding 18 years and wished her well in her future career.

8 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That, pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100 I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated.

9 EXEMPT MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the exempt minutes of the meeting of the Resources Overview & Scrutiny Panel held on 24 March 2021 be **APPROVED** as a correct record and signed by the Chair.

The meeting closed at 11.15 am

_____Chairman _____Date