

Policy and Public Initiatives Panel

Wednesday, 04 March 2020

Attendees: Councillor Christopher Arnold, Councillor Helen Chuah, Councillor Derek Loveland, Councillor Lee Scordis, Councillor Martyn Warnes
Apologies: Councillor Phil Coleman, Councillor John Jowers
Substitutes: Councillor Mike Hogg (for Councillor Phil Coleman), Councillor Pauline Hazell (for Councillor John Jowers)

49 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 20 January 2020 be confirmed as a correct record.

50 Public Initiatives

Councillor Chuah (by reason of being a member of King Coel's Kittens and being involved with administration of the annual 5 November Castle Park fireworks display) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Councillor Scott-Boutell attended and, with the consent of the Chair, addressed the Panel to request that the Panel seek Cabinet approval to consider ways in which the Council could enforce restrictions on when and where members of the public are legally permitted to use fireworks. This stemmed from concerns regarding the effects of unexpected fireworks use on vulnerable residents and on pets and other animals in the area.

Councillor Scott-Boutell advocated for the introduction of an enforcement policy by the Council, to guide enforcement and act as a basis on which to lobby the Government for action on the national level. Additional actions requested included encouragements for people to attend official firework displays instead of holding their own, a publicity campaign on the negative effects of firework use, lobbying of the Government, lobbying of the County Council to use trading standards action to enforce laws on sale of fireworks and encouragement of moves to limit the number of vendors selling fireworks.

Councillor Chuah described the annual Bonfire Night fireworks display organised and held by King Coel's Kittens. This adhered to all Health and Safety requirements and was full staffed by stewards and security, with all proceeds being given to charity.

Panel members considered the increase in use of fireworks by members of the public through the year and discussed the effects of this, and the approaches which could be taken. A member of the Panel noted that the Panel would need first to know what powers of enforcement the Council already held, especially in relation to Council-owned land (including residential areas). It was recommended that the Panel receive

a report on this from the Council's Environmental Health Team, prior to any future consideration of the issue. A further member of the Panel posited that efforts should be focussed on increasing public awareness of the law and effects of fireworks, rather than on enforcement.

RECOMMENDED to CABINET that the Panel be given approval to investigate ways for the Council to reduce antisocial uses of fireworks and add this public initiative/policy request to its work programme for 2020/21.

51 Universal Credit

Jason Granger, Customer Solutions Manager, introduced the report, and his colleagues helping to present the item: Karen Williams, Head of Housing Management for Colchester Borough Homes (CBH), and Dave Cope, District Operations Manager for the Department of Work and Pensions (DWP).

The background to welfare changes was given, including the introduction of the Welfare Reform Act 2012 which had led to the under-occupancy penalty and to Universal Credit being rolled out. It was noted that government funding for discretionary housing payments had increased during this time, with the Council contributing a further £50k of funding on top of this.

The Council had employed a proactive and collaborative response to support residents through the changes to welfare, working with partner organisations and the DWP and providing advice on welfare changes, employment and debt issues. The Customer Support Team formed by the Council and based in the Colchester Library Community Hub had been set up to assist residents, especially those with complex needs or a high level of vulnerability.

Adoption of Universal Credit in Colchester began in 2015 with a limited cohort of claimants. This combined six separate 'legacy' benefits, including housing benefit, into one single payment. This expanded to a 'full service' model in 2018, with greater migration of claimants.

The DWP had funded the creation of a dedicated post of Community Support Officer to assist members of the public who were most in need of help and advice.

The migration to Universal Credit caused an increase in applications for discretionary housing payments, with roughly half of all claims coming from recipients of Universal Credit. There had also been impacts on CBH.

The Head of Housing Management for CBH detailed some of the effects experienced by the organisation. Early work carried out by the Council and CBH had given a good base upon which to base the migration to Universal Credit, working and engaging with partners and the DWP to assist residents. Additional resources had been needed for this, and the level of rent arrears was now £100k higher than twelve months previously. However, the average level of tenant arrears locally was approximately £250, compared to a national average of £320, and there had been zero evictions of Universal Credit claimants caused by rent arrears to date.

The work of officers was described, including the CBH Financial Inclusion Team, comprising of a welfare rights officer, a financial inclusion officer and a benefits officer. In addition to this, and with support by Citizens Advice (CA), officers had conducted outreach work, offering advice to residents in their homes. The importance of partnership working was stressed.

The District Operations Manager for DWP informed the Panel that Colchester Borough Council was seen as an exemplar regarding collaborative working and relationship-building to ease the migration to Universal Credit and assist residents with welfare-related issues. Greater and more-effective work had been carried out in Colchester than in many areas elsewhere, and this had led to DWP using their discretionary funds to fund the creation of the Community Support Officer role, and the Department's intention to further expand this role.

The timeline of the roll-out of Universal Credit was summarised. There had been difficulties experienced and the timescale for full roll-out had been extended, with Universal Credit evolving to reflect lessons learned from the experiences gained. Examples of this included that direct payment of housing costs to landlords from Universal Credit was now possible where this was appropriate, and that additional flexibility had been introduced to allow non-digitally-active claimants to more-easily complete claims without needing online access.

The collaborative, multi-agency approaches used had made it possible to better tailor Universal Credit claims to the individual claimants and provide better support for claimants.

There continued to be problems for some claimants, and it was stressed that the key route to solving these was to build local, personal relationships between the DWP and partners such as the Council.

Commencing the Panel's discussion, thanks were offered to the guests and Panel members welcomed the information that Colchester was seen as an exemplar authority on addressing welfare reform and its effects. It was noted that effective work on this could save lives of those who were vulnerable, and thanks were given to those officers who had worked to ensure that individual arrears levels had been managed so that no eviction proceedings had been needed against Universal Credit recipients. A Panel Member highlighted the Council's Customer Department for their exceptional performance, and the work carried out to pre-empt the needs of residents in the Borough.

The Panel questioned whether the workload and number of cases being managed had increased, year on year. The Head of Housing Management confirmed that there had been an increase in the number of cases being managed. Officers were adapting to their evolving roles and working to adapt quickly. The management of cases, and avoidance of any evictions had a knock-on positive effect of avoiding additional pressure on the allocations process and the temporary/emergency accommodation available to the Council.

The District Operations Manager for DWP agreed that the number of cases being managed had increased and that more people were being assisted regarding claims

and dealing with complex situations. The DWP understood the importance of taking a holistic view of people and their personal hierarchies of needs.

It was now expected that full migration from legacy benefits over to payments via Universal Credit would be achieved by 2024. It was stressed that whilst civil servants within DWP were not professional social workers, training and support had been provided to increase skills of relevant officers to a high level in order for them to provide a high level of support to claimants and recipients.

Councillor Fox, Portfolio Holder for Housing, attended and, with the consent of the Chair, addressed the Panel, praising both the work of partner agencies and organisations working with the Council, and the work carried out by Council officers to prepare and support residents through changes to welfare and to rent levels. The Customer Department had performed particularly well, especially in the context of reduced funding, and a key priority was to address any fears caused by the process for individuals to engage with Universal Credit.

The Portfolio Holder for Housing gave assurance that information provision and transparency would remain priorities for the Council and noted that Panels/Committees within the Council may wish to revisit this topic in the future.

RESOLVED that the Panel had reviewed the actions taken to date by the Council, Colchester Borough Homes and the Department for Work and Pensions and that the Panel expressed its thanks to all involved for the work that they had carried out.

52 Review of Political Management Arrangements

Andrew Weavers, Monitoring Officer, introduced the report which provided information on the Cabinet and Leader model, the Committee System model, their advantages and disadvantages and the history of political management arrangements at the Council since 1972.

The Council had operated the Committee system model from 1972 until 2001 when, in the wake of the Local Government Act 2000 and a subsequent consultation process, the Council had adopted the Leader and Cabinet model. The Local Government and Public Involvement in Health Act 2007 had required local authorities to reconsider their political management arrangements and introduced the 'strong leader' concept, investing the leader with executive powers. The amended Leader and Cabinet model was again chosen following a public consultation.

The Localism Act 2011 reintroduced the option for local authorities to adopt an updated version of the Committee system model, and it was noted that any decision to move to a Committee system would be based on that model, rather than the original 1972 version.

The Panel were notified that all but three local authorities in Essex operated the Leader and Cabinet model. Assurance was given that the Monitoring Officer keeps the current constitution and management arrangements under review and recommends any changes which they feel to be beneficial.

The Monitoring Officer explained the differences and similarities in the committees that are found in the two different models of management arrangements. Under the Committee system, service committees took decisions that were made by Cabinet or Portfolio Holders operating under the Cabinet and Leader model. The Cabinet and Leader model incorporated a statutory duty to operate an oversight and scrutiny committee, whilst this is optional under the Committee system model (if opted for, it holds the same powers as under the Cabinet and Leader model but operates as a committee of Council).

It was highlighted that a major benefit of the Cabinet and Leader model was the expedited decision-making which could be carried out, especially if a scheme of delegation to individual portfolio holders had been opted for. Authorities which did not opt to adopt such a scheme required more frequent meetings if they are to consider all executive decisions and still avoid a slowing of their executive decision making. It was stressed that decisions under this model still needed to be taken in line with the principles of openness and accountability, allowing opportunities for challenge where necessary.

The roles of the Policy and Public Initiatives Panel and task and finish groups at the Council were described.

The Monitoring Officer advised that, in his view, the current political management arrangements were fit for purpose and helped the Council in achieving timely decision making. It was, however, open to the Panel to consider what recommendations they might wish to make.

The Panel were informed of the preparatory work which would be necessary in the event that a change to adopt the Committee system model were to be considered by the Council. A significant amount of officer time and resource would be needed to scope and explore such a move, and the cost of this could not be estimated until initial plans and details are first set in place to guide this work. Should such a move be proposed, there would be no statutory duty to consult on a change to the Council's political management arrangements, however it was the Monitoring Officer's strong advice that public consultation should be carried out before deciding upon such a change.

It was noted that adoption of the Committee system model would necessitate a review of councillors' allowances.

Councillor Tim Young attended and, with the permission of the Chairman, addressed the Panel to pay tribute to Alderman Ken Cooke and his work and contribution to Colchester, and to speak on the Cabinet and Committee models for political management.

Councillor Young informed the Panel that he had had experience of both systems whilst serving as a councillor at this Council. He noted certain drawbacks of the Committee system model, including slow decision making, inefficiencies, not always getting to the heart of issues, committees splitting on party lines and the greater power of officers to set agendas. The system did involve more members in decision making, but did not necessarily give wider experience or power to councillors.

In comparison, Councillor Young posited that the Cabinet system was preferable, but that improvements could be made in the way that the Council operates this system in Colchester Borough. One example given was a recommendation that the operation of the Scrutiny Panel be strengthened and operated more in the style of a select committee, giving backbench councillors more power and involvement. It was noted that the Licensing and Planning Committees provided opportunities for backbench councillors to gain experience of decision making and the exercise of powers. The Committees currently in operation were working, but Councillor Young gave the view that their operation could be further improved.

Commencing the Panel's deliberations, Councillor Arnold explained that he had requested that the different forms of political management arrangements be discussed following requests from Colchester's High Steward, Sir Bob Russell, that the Council consider whether to return to using the Committee system model. Sir Bob was a former councillor who had served for many years on the Council and had experienced the Committee system model.

Councillor Arnold clarified that he was not advocating a return to the 'old' style of Committee system but had concerns at some of the effects of operating under the Cabinet and Leader system. These included a perceived lack of transparency and information sharing regarding actions by the administration, as evidenced by recent work conducted with Citizens' Advice, of which opposition councillors were unaware, and by a perceived lack of information on the North Essex Garden Communities Project. Much work had been carried out by portfolio holders without backbencher councillors being informed. This made it more difficult for backbench councillors to hold the administration to account and to properly conduct scrutiny of decision making.

Councillor Arnold ventured that there was now less briefing on portfolio holder actions and reduced opportunity to question members of the Cabinet, with the 'Questions to Cabinet Members' item now at a lower/later position on the agenda for Full Council meetings, which could give the impression that it is seen as being less important.

It was argued that the Committee system model allowed new councillors an opportunity to learn processes, get to know officers and build relationships. The current Cabinet model was described as preventing this, with decisions often being discussed in private Leadership Team meetings and only given minimal discussion in the ensuing public Cabinet meeting. In comparison, the Committee system ensured that decision making occurred in public and allowed for greater transparency.

The Panel discussed the report and the views proffered. A Panel member gave the view that the current Cabinet and Leader arrangements were more positive for allowing quicker decision-making, although there could be difficulties. Support was given for the suggestion that the Scrutiny Panel should play a bigger, more activist role, including an increase in call ins by councillors.

A Panel member stated that their experience was that members of Cabinet were open to discuss issues with, and provide information to, councillors from all political groups, and that councillors should request this if they wished to discuss any matters under

consideration by the administration.

A further member of the Panel, through their personal experience, agreed with the view that the Committee system that had previously been in operation was somewhat vague and slow to operate.

Building on this, another Panel member gave their experiences and noted that there had been successes under the previous Committee system, such as the completion of a full property audit, and the establishing of the Colchester Women's Refuge, and that wider discussions had been possible on issues and decisions. However, the member viewed any potential move to a future Committee system as being expensive, requiring a torturous process, and be difficult to produce a system which commanded support across the Council Chamber. This led to the suggestion that the Cabinet and Leader model should be retained, but with improvements, such as a strengthened Scrutiny function, greater information sharing with backbench councillors and more transparency around executive decision making.

The Chairman summarised the positives and negatives which had been ascribed to the two different types of political administrative arrangements possible for the Council to operate. The Committee system model was generally seen as less efficient, could provide more involvement for members but also could potentially put more power into the hands of officers. The Committee model was seen as being more transparent and enabling decision making and discussion in public, however a return to this model was seen by some members as being expensive and complex.

The Cabinet and Leader system had strengths and drawbacks, but the potential for a more active and activist Scrutiny Panel was highlighted and recommended. More transparency from Cabinet and better communications with councillors and the public were also recommended, alongside the provision of better opportunities for councillors to question Portfolio Holders. Decision making could be explained more fully to councillors and the public, with more information to be provided to opposition groups on the Council, especially with regard to the Council's commercial bodies and partnerships.

The Monitoring Officer summarised the themes raised as relating to three key issues of transparency, communication and scrutiny. He noted that, regarding North Essex Garden Communities Ltd, the minutes of their Board meetings were published on the company's website. The Monitoring Officer also notified members that Full Council can move and approve a motion to change the order of Council meeting agendas, to have questions to Cabinet Members occur earlier in meetings.

The Panel were informed that the current Scrutiny Panel possessed all due statutory powers, and it was suggested that the Panel should explore and exercise the powers which it already possessed, including the making of more recommendations. A Panel member raised concern that the scheduling of items for Scrutiny Panel consideration currently appeared to be heavily officer-led, and that the Scrutiny Panel needed to be more assertive in laying out its work programme.

The Monitoring Officer agreed that transparency of Portfolio Holder decision making was an issue that had been identified and asked if the Policy and Public Initiatives Panel may wish to make a recommendation regarding this. A potential change could

be to revive briefings of the Scrutiny Panel by Portfolio Holders. Members agreed that this could be a positive way to give backbench councillors an opportunity to learn more about each portfolio.

The Panel discussed the budget-setting process for the Council and agreed that it would be beneficial for training and briefings for all councillors on the budget process would be desirable and would allow for effective scrutiny of budgets and the proposal of meaningful amendments. More training would result in better debate and challenge. One member noted that it was currently possible to ask for officer assistance in understanding subjects such as budget setting, however it was agreed that additional training sessions would be a positive thing.

RECOMMENDED to CABINET that the Cabinet and Leader model of political administration be retained, subject to the following enhancements: -

- (a) Additional training and briefings on the budget setting process, to be provided for all councillors.
- (b) Cabinet to bring a motion to Full Council to decide whether to raise questions to Cabinet Members up the agenda.
- (c) Cabinet to acknowledge the importance of the Scrutiny Panel and advocate that the Panel exercise their powers to a greater degree, produce more recommendations and be assertive in their role as a 'critical friend.'
- (d) Cabinet to request that the Scrutiny Panel consider re-introducing regular Portfolio question and answer sessions.

53 Work Programme 2019-20

The Panel considered the draft Work Programme for 2019/20 and noted that, as this was the final meeting for the Panel in the current municipal year, the initiative brought to this meeting by Councillor Scott-Boutell would, if approved by Cabinet, need to be added to the Panel's Work Programme for 2020/21. The Panel requested that a report on the Council's powers regarding fireworks enforcement be provided to Panel members prior to any consideration of the issue.

RESOLVED that: -

- (a) The Work Programme for 2019/20 be noted
- (b) A report detailing current enforcement powers held by the Council regarding fireworks be provided to the Panel in the event that Cabinet approve it to examine the issues regarding use of fireworks by the public.