

North East Scrutiny Member/Officer Network

Friday 17 June 2022, 10am – 12 noon

Via MS Teams

Agenda

1. Welcome
2. Apologies for Absence
3. Appointment of Chair and Vice Chair
4. Minutes of meeting held on 26 March 2021 **(attached)**
5. Governance Arrangements and Review of Terms of Reference Update **(attached)**
6. CfGS – Scrutiny Member / Officer Network Support Offer : Report and Presentation - Ed Hammond and Megan Ingle **(Report attached)**
7. Centre for Governance and Scrutiny (CfGS): Update Presentation – Ed Hammond and Megan Ingle :
 - The Health and Care Act and its impact on Overview and scrutiny (O&S) powers;
 - The role of O&S in the process around operation of ICB's; and
 - Other key O&S issues with which the CfGS is involved.
8. Any Other Business
9. Meeting Schedule/ Frequency

North East Regional Joint Scrutiny Member/Officer Network

26 March 2021

MS Teams

Present:

Cllr Rob Crute	Chair, Durham County Council
Cllr Anne-Marie Curry Cllr Scott Durham	Darlington Council
Cllr Alison Batey Tom Gorman Stephen Gwilym Marie Smith Marion Rucker Clare Luery	Durham County Council
Cllr Maria Hall Angela Frisby	Gateshead Council
Angela Armstrong Joan Stevens	Hartlepool Council
Cllr Janet Thompson Cllr Alma Hellaoui Caroline Breheny	Middlesbrough Council
Cllr Lara Ellis Cllr Wendy Taylor Janet Howard	Newcastle City Council
Cllr Sandra Graham Joanne Holmes	North Tyneside Council
Cllr Gregah Roughead Cllr Brian Gallacher Sean Nicholson	Northumberland County Council
Alison Pearson David Boville	Redcar & Cleveland Council
Cllr Geraldine Kilgour Paul Baldasera	South Tyneside Council;
Cllr Pauline Beall Cllr Carol Clark Cllr Clare Gamble Cllr Marilyn Surtees Cllr Sylvia Walmsley Cllr Evaline Cunningham	Stockton Council

Cllr Maurice Perry
Gary Woods
Rebecca Saunders-Thompson

Cllr Doris MacKnight
Nigel Cummings

Sunderland City Council

Gavin Armstrong

NECA

Ed Hammond

Centre for Governance and Scrutiny

Apologies:

Cllr Mick Stoker

Cleveland FRA

Cllr Jamie Barch
Alison Hill
Hannah Fay

Darlington Council

Jenny Haworth

Durham County Council

Cllr Bernadette Oliphant
Cllr Stuart Green

Gateshead Council

Cllr Gerard Hall
Cllr Lesley Hamilton

Hartlepool Council

Cllr Colin Ferguson
Cllr Nick Cott
Cllr Jane Byrne
Cllr Paula Holland
Cllr Teresa Cairns
Cllr Felicity Mendelson
Karen Christon

Newcastle City Council

Cllr Liz Dunn
Cllr Susan Dungworth
Cllr Margaret Hall
Cllr Paula Holland
Cllr Linda Wright
Cllr Peter Earley
Liz Kerr

North of Tyne CA

Cllr Linda Bell
Cllr Karen Cark
Yvonne Harrison

North Tyneside Council

Cllr Lesley Rickerby
Cllr Mark Swinburne
Jackie Roll

Northumberland County Council

1. Welcome

Cllr Rob Crute welcomed everyone to the Regional Member/Officer Scrutiny meeting being held on Teams.

2. Apologies for Absence

As listed above.

3. Minutes of Last Meeting – 12 January 2018

TG updated on the current position on the emergency COVID-19 regulations which allowed virtual council meetings to take place. Primary legislation would be required to formalise the regulations into law and it was unlikely there would be parliamentary time for this. The expectation was that face-to-face meetings would be resumed from 7 May 2021 onwards. The government were facing a legal challenge over the interpretation of the current legislation and it was expected the matter would be heard in the High Court prior to 7 May 2021.

It was noted that any change to the emergency regulations would not affect the regional scrutiny network as it was not a formal committee meeting.

Cllr Taylor commented she thought the expected return to in person meetings was a short-sighted decision which was unfair on the unvaccinated and those dependent on public transport. She added that councils should be able to make a choice about whether they hold in person or remote meetings. Cllr Crute referred to the legal requirement to hold the first council meeting within 21 days of the election and the difficulties that may be experienced in making the necessary arrangements.

4. Housing Update

Marie Smith and Marion Rucker (DCC) gave a comprehensive presentation on housing issues which covered an overview of Housing Solutions, the regional Rough Sleeper Initiative, poverty and homelessness, the impact and response to COVID-19 and domestic abuse. The bulk of the work for the team was around homelessness and threatened homelessness.

The North East region has received £3.5m from the Rough Sleeper Initiative in the past two years. There are two regional coordinators to support local authorities. Each local authority has a rough sleeper action group which meets every two weeks to discuss individuals in their area. All those who are rough sleeping are now known to their respective authority. The RSI has funded outreach workers and substance misuse workers who work on the streets to reduce harm and prosecutions. Prisons release

prisoners twenty four hours a day and many do not know where to go. Working closely with the discharge desk in the prisons has led to a massive reduction in the numbers of ex-prisoners rough sleeping and securing them a safe place to stay. A bid has been submitted recently for the current year to build on the work undertaken so far.

Everyone In, the government initiative for rough sleepers through the pandemic has been successful in helping homeless people who are more vulnerable and who often have existing health conditions to find accommodation. Weekly meetings with staff from the MHCLG have taken place and helped the initiative to work well in the region. It was confirmed that in DCC had helped 122 rough sleepers within the Everybody In period up to 1 February 2021. Only one bed and breakfast facility had been required.

Poverty and the link to homelessness was discussed. The main reason for homelessness was the ending of a shorthold tenancy and this was a national issue. Over 50% of cases cited mental health problems as being an issue. It was noted there had been a slight decrease in the number of presentations and this appeared to be as a result of the government's eviction ban which had been extended until May 2021. Information was also given on the Stop b4u Serve which had been brought in to assist landlords deal with the eviction embargo.

An update on the Domestic Abuse Bill was given as part of the presentation along with statistics relating to County Durham and the service offer from Housing Solutions. The offer is currently under review in advance of new duties arising from the Domestic Abuse Bill. The service has a dedicated housing worker for dealing with domestic abuse.

Cllr Kilgour thanked officers for an excellent report and referred to substance misuse workers. It was confirmed that they continued to work with rough sleepers once they were housed. A further tranche of funding from the government was awaited for substance misuse work.

Cllr MacKnight asked about owner occupiers and whether they received assistance from the team. It was confirmed that help was available, ie they were signposted to the Employability team and assistance was available for those that fell behind with Council Tax.

Cllr Taylor welcomed the ongoing support for the homeless. Marion Rucker advised that the authority was under a duty to give housing assistance to everybody albeit that might be signposting help for completing forms. Those in priority need are those that are more vulnerable will receive a continuation of support.

Tom Gorman suggested that there may be scope for specialist officers to attend the regional scrutiny meetings to give more in-depth information. Reference was made to the rough sleeping snapshot which is held annually. A count of homeless in hot spots is made and verified by Homeless Link. It was noted that any count of homeless people did not necessarily include those that are sofa surfing and put up by family and friends.

Cllr Curry recognised that there might be a number of people living rough that did not want to be housed and indicated there were three in Darlington. It was expected that those entrenched rough sleepers were expected to return during the summer months.

Cllr Walmsley asked whether the homeless were included in the census? It was confirmed that names of bed and breakfast locations were given to the census team and was combined with the bimonthly count of rough sleepers. Tom Gorman explained rough sleepers were recorded as temporary visitors.

Cllr Gallacher thanked officers for the very informative presentation and commented on the role of parish, town and local councillors in relaying information about the homeless.

Marie Smith explained that there were a number of opportunities for regional colleagues to share best practice and information, eg working with the NHS.

Cllr Crute thanked the officers for their informative presentation and referred to the valuable role of the network in sharing information around initiatives.

5. Terms of Reference – NE Regional Member/Officer Scrutiny Network

Tom Gorman took members through the draft terms of reference for the network which had recently been updated. It was noted there was balance to be made in the number of participants from each authority and it had been suggested this should be up to three or four members. Cllr Crute agreed the membership should be as inclusive as possible. Cllr Taylor suggested that the number of representatives from each authority could be up to a maximum of six.

Cllr Graham referred to the increased attendance at meetings since they had become remote and noted the links with the Combined Authorities and crosscutting issues. Cllr Kilgour agreed that remote meetings had worked well and added that specialist officers should be invited if meetings are planned along a theme such as with housing.

It was agreed that remote meetings encouraged inclusiveness and they should be the primary means of holding meetings although it was recognised that meetings held in person gave opportunities for networking. Membership from each authority would be up to four members.

6. Centre for Governance and Scrutiny (CfGS) – update on CfGS and Health Scrutiny

Ed Hammond (CfGS) gave an update on the Health White Paper which was issued recently. He touched on the lack of detail on health scrutiny powers which he found concerning. The removal of the power of local government to make referrals to the Secretary of State was highlighted. The Secretary of State will have the power to intervene whenever required but the local accountability element had seemingly been removed.

The establishment and development of the ICSs would lead to a wave of reconfigurations and it was not clear how this would be undertaken. There was an assumption that health scrutiny would take place at a system level rather than at a place level and there was concern at how that would be effective. Changes to the current longstanding arrangements had provoked concern.

Ed Hammond indicated he was having conversations with the Bill team around the content and hoped to get more clarity and certainty on the future of health scrutiny. He suggested there would be a mini webinar for members to express their views directly to the Bill team. No date had been agreed for this currently.

Cllr Taylor expressed her concerns around the planned changes to health scrutiny and Cllr Hellaoui shared her concerns. She indicated that a referral had been made to the Secretary of State on respite care and had led to a successful outcome. She was concerned that this process was to be removed. Cllr Kilgour also expressed support for the retention of the right of referral to the Secretary of State.

Stephen Gwilym confirmed that representations were made by the two regional health overview and scrutiny committees on the contents of the White Paper including on the power of referral and transparency.

Cllr Taylor stated she had been unaware of the removal of the power of referral and had huge concerns over the role of the Secretary of State. She would be raising these issues further.

7. Future Items/Work Programme

TG presented a list of suggested topics for a work programme. In brief these were:

- Housing
- Transport
- Skills and employability
- Poverty – including the impact of COVID-19
- Climate Change
- High streets
- Transformation
- Arson and deliberate fires
- Mental Health - adults and children
- Waste
- Health

It was suggested that members could be surveyed to determine priorities for the network. TG undertook to arrange this.

8. Any Other Business

None.

GOVERNANCE ARRANGEMENTS FOR THE NORTH EAST JOINT MEMBER/OFFICER SCRUTINY NETWORK AND THE NORTH EAST SCRUTINY OFFICER NETWORK

Introduction

1. This note summarises the governance arrangements for the:
 - North East Joint Member/Officer Scrutiny Network; and
 - North East Scrutiny Officer Network.

Networks

2. There will be two scrutiny networks for the North East of England:
 - (a) The Joint Member/Officer Scrutiny Network, consisting of scrutiny (non-executive) members (supported by scrutiny officers) from local authorities in the North East of England.
 - (b) A Scrutiny Officer Network, consisting of officers from local authorities in the North East of England.

NOTE: There is also a Joint Health Overview and Scrutiny Committee with its own governance arrangements and an informal Health Scrutiny Officer Network consisting of officers with specific responsibilities for health scrutiny.

Area covered by Networks

3. The boundaries of the North East Networks shall be co-terminous with those of the Association of North East Councils (ANEC) and the North East Regional Employers Organisation (NEREO).

Terms of Reference of the Networks

4. The Terms of Reference of the Networks are as set out in the documents appended to this governance note (**Appendix A**).

Local Authority Representation on Networks

5. There will be no limits on the numbers of members and/or officers from individual local authorities within the North East on either of the Networks.

Other Representation on the Networks

6. It will be for the Networks to determine from time to time whether other agencies or organisations which undertake a scrutiny role are represented on the Networks. Where such organisations are admitted to membership of the Network, they shall have the same rights in relation to issues such as voting as shall apply to local authority members.

Voting Arrangements

7. Although meetings of both Networks are consensual and primarily aimed at disseminating information and sharing best practice, there may on occasions be a requirement for voting, e.g. to appoint Chairs and/or Vice-Chairs.
8. Each local authority (or such other organisation) represented on the Networks shall be allotted one vote per authority/organisation, with only elected members having a vote at the Joint Member/Officer Scrutiny Network.

Appointment of Chairs and Vice-Chairs

9. The appointment of a Chair or Vice-Chair will be by secret ballot at the first available meeting of the appropriate Network following the expiry of the term of office of the previous office-holder.
10. Applicants for the position of Chair or Vice-Chair will be required to provide a written statement of not more than 250 words in support of their application. Such statements will be circulated with the agenda in advance of the meeting which makes the appointment.
11. If two or more applicants receive an equal number of votes (tied for first place) a second round of voting will take place among the applicants that received the equal number of votes. In this case, those voting for the applicants who dropped out in the first round would be able to vote for one of the remaining applicants.

or

11. A preferential voting system will be used in the election process. Voters will rank candidates in order of preference with their first preference as '1', their second preference as '2' and so on until they no longer wish to express any further preferences. Candidates are elected outright if they gain more than half of the first preference votes. If not, the candidate/s with least first preferences is eliminated and their votes are redistributed according to the second (or next available) preference marked on the ballot paper. This process continues until one candidate has half of the votes and is elected. In the event of a tie in the preferential voting the election will be decided with the toss of a coin.

Terms of Office of Chairs and Vice-Chairs

12. Chairs and Vice-Chairs of the Networks shall hold office for a period of two years from the date they are appointed. Upon the retirement of the Chair of a Network the Vice-Chair shall automatically assume Chair of the appropriate Network and shall then hold that office for a period of two years.
13. In the event that the term of office of a Vice-Chair shall cease during their two year period of office the respective Network will hold an election to appoint a successor for the remainder of the term of office.

Meetings of the Networks

14. There shall be four meetings of the Joint Member/Officer Network per annum and four meetings of the Officer Network. Additional meetings may be called by the respective Chairs as and when necessary.
15. Opportunities will be afforded to all authorities participating in the Networks to host meetings over time as circumstances permit.

Items of Business for Network Meetings

16. Opportunities will be afforded to all participating authorities to submit agenda items for Network meetings. It will be for the Chairs of the appropriate Networks to determine any detailed arrangements related to meetings, such as the order of agendas, timing of meetings etc.

Funding and Support for the Networks

17. Administrative support for the Networks will be provided by the North East Regional Employers Organisation as long as it feels able to undertake this role.
18. Meetings of the Networks will be hosted by participating authorities on a voluntary basis.
19. There will be no cost to Authorities participating in the Network (other than in relation to hosting meetings and provision of refreshments), but there may be occasions e.g. in relation to external visits, or the costs of invited speakers, where authorities will be asked to make a financial contribution on a pro-rata basis calculated on the numbers of members/officers participating.
20. In connection with the foregoing paragraph, consideration should be given by the North East Networks to developing:
 - (i) A regional scrutiny business plan
 - (ii) For the member, as well as officer Networks, an ongoing programme of issues and visits

TERMS OF REFERENCE - NORTH EAST REGIONAL SCRUTINY OFFICER/MEMBERS NETWORK

Suggested updates in red above.

Purpose of Network

To provide a forum for **elected** overview and scrutiny members and officers to consider, discuss and exchange information on national and regional issues affecting local authorities/combined authorities in the North East region.

To work with the Centre for Governance and Scrutiny to share information on national policy developments.

Aims and objectives

Members of the network agree to share experiences and knowledge to work together to develop ideas and good practice to support and strengthen overview and scrutiny in the region.

To provide support and networking opportunities for members and officers involved in overview and scrutiny.

Members are encouraged to share information and knowledge gained from the network within their individual authorities.

Membership

There will be no limits on the numbers of members and/or officers from individual local authorities within the North East on the Network. Each local authority / combined authority to nominate **up to four members from their overview and scrutiny bodies** to attend network meetings. Substitute members are entitled to attend when necessary.

~~Each local authority's thematic chairs and vice chairs to attend network meetings when reports of interest are due to be considered.~~

Appointment of Chair

The chair of the network will be elected for a period of two years.

The vice chair of the network will be elected for a period of two years.

Meetings

The network will aim to meet quarterly.

Meetings will take place either in person or remotely.

Support for regional scrutiny networking

Introduction

CfGS has now agreed a funding package for 2022/23 which will focus ongoing support for overview and scrutiny on the operational of regional scrutiny networks, and on the two national networks that exist where scrutiny matters are discussed (the Counties and Unitaries Network and the Combined Authorities Governance Network).

In our view, providing additional capacity and resource for scrutiny networking will support practitioners (both members and officers) to learn from each other, to plan joint work and to work through problems. It will also ensure that CfGS's support work feels more tangible and immediate to scrutiny practitioners.

This support will be provided by Meg Ingle and Annette Aiken, CfGS's Research and Project Officers. They are now liaising with those leading regional networking activity to discuss what regions' needs are likely to be. This paper is designed to support those conversations.

This support is predicated on the understanding that regional networking continues to be directed and led at local level, with CfGS playing a supportive role.

Overall offer

Our overall offer is:

- Support for agenda planning (including securing external speakers, for example). CfGS may be able to facilitate or support conversations on matters of concern by bringing in evidence from other parts of the country and securing attendance from national organisations;
- Providing short form training (for members and/or officers) as part of network meetings, or in separate sessions organised by the network. The volume and nature of training and development provided regionally would be driven by the needs of the network itself;
- Providing support for joint working within regions on substantive policy issues – for example, on support for joint working around health scrutiny matters;
- Providing some administrative support (where none may exist in a given area, and/or where regional networking has fallen into abeyance because of a lack of resource to make it happen).

Agenda planning

We can:

- Help secure the attendance of people from national bodies (the LGA, Government, think tanks, other organisations);
- Support network chairs/convenors in the facilitation of discussion around agenda items;
- Where necessary to write short briefs to support conversations at networks, which we would publish on our website.

Short form training

For 45 minutes of a network meeting, we would be able to provide some webinar-style training on matters of mutual interest. It might also be seen as necessary to run longer sessions separately. We anticipate that these sessions would be primarily designed for members, although where networks want to make an offer to officers that is also something we can support.

This might include:

- A verbal briefing on a substantive policy topic (a presentation and discussion on the Levelling Up white paper, for example);
- Training on practical elements of the scrutiny process (the development of executive-scrutiny protocols, the operation of call-in, the development and management of work programmes);
- Training on scrutiny skills (the provision of an introduction to overview and scrutiny; chairing and questioning skills; how to develop effective recommendations; how to analyse information effectively; effective budget and financial scrutiny; other subjects, depending on local need).

The overall intention of training support would be highlight the key elements of the 2019 statutory guidance on overview and scrutiny, and some of the contents of CfGS's 2019 publication "The good scrutiny guide".

Support on joint working

We know that practitioners are going to need support to discuss substantive matters of mutual interest. Councils may want to pursue joint working formally – for example where there is a need to set up joint scrutiny arrangements to investigate a substantial variation to local health services. There are also informal joint working opportunities – for CA constituent authorities, on scrutiny relating to local government reorganisation, scrutiny within two tier areas, or scrutiny relating to major infrastructure or development issues which cut across borders.

The reason for offering this support in particular is in recognition that the setup and management of joint discussions and arrangements – even when seen as a high priority – can be seen as onerous, and can be challenging for officers who have a range of other duties.

While scrutiny networks would provide the initial "spaces" to talk about these issues we would anticipate that individual "pieces" of joint work would involve fewer councils, and a smaller geographic area.

This kind of support might look like:

- The provision of general, technical advice. We anticipate producing short-form material which provides advice on joint working, particularly in respect of scrutiny of ICSs;
- Bringing together relevant officers (and where and when necessary, members) to set objectives and arrangements for joint working (including terms of reference for joint committees where necessary, and scoping of reviews);
- Support in liaison of individuals with whom scrutiny might want to engage as part of joint work;
- Ensuring that the outcomes of joint work are clear and deliverable – assisting with the production of reports and recommendations.

Providing administrative support

In some areas regional networking is not especially active, or responsibility for organising meetings rests on the shoulders of people who have little capacity. Under these circumstances we should be able to offer some administrative support. This is likely to include:

- Assistance in communicating within regions, including assistance in drawing together distribution lists where possible;
- Assistance in arranging, and chairing, meetings, and in preparing minutes.

Using insights from scrutiny networking to inform wider work

We will draw together good practice and other insights on scrutiny from regional conversations and use these to produce short national publications. We also envisage our work in support of networks involving the mapping of different approaches and practices on scrutiny, augmenting work currently carried out through our annual survey.

At the moment the LGA has asked us, as part of our agreement, to take forward short publications on the following matters.

- Updating on councils undertaking governance change (ie updating the Appendix to our 2020 "Rethinking governance" publication);
- Approaches to reviewing and improving council constitutions
- The operation of full council meetings
- Delegation and officer/member relationships

We would seek to put out regular, short-form publications on scrutiny in addition to the above.

How we see this being taken forward

We would like to:

- Continue conversations with those who lead scrutiny network activity across England;
- Use those conversations to get a sense about what the unique need might be for each region;
- Distribute a version of this paper to network attendees alongside a draft of what has been agreed between CfGS and networks' leaders and seek, at the first available meeting and with the permission and support of those running networks, to confirm a potential support package.

EH 30/3/22, updated 11/5/22