

## OVERVIEW AND SCRUTINY PANEL

Minutes of the meeting held on 11 March 2014 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Gideon (Chairman); Councillors Harrison, Cohen, Driver, Campbell, Edwards, I Gregory, K Gregory, Huxley, Hornus, Moore, Nicholson, D Saunders, M Tomlinson, Watkins and W Scobie

**In Attendance:** Councillors King and M Saunders

### 383. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Worrow, substituted by Councillor Cohen;  
Councillor Matterface, substituted by Councillor Edwards;  
Councillor J. Scobie, substituted by Councillor W. Scobie.

### 384. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 385. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Harrison seconded and Members agreed the minutes.

### 386. PRESENTATION BY MR STUART BAIN, CEO (EK HOSPITALS NHS FOUNDATION TRUST) -UPDATE ON THE PROPOSED NEW CLINICAL STRATEGY FOR EAST KENT

Mr Stuart Bain, Chief Executive Officer of the East Kent Hospitals University Foundation Trust (EKHUFT) introduced the item. He gave a brief background to the changes taking place and being anticipated to take place as regards the delivery of health services in East Kent. Mr Bain said that the changes being proposed were made on the basis on the number of challenges being faced by the Service to provide modern health services across the areas that include Emergency Care, Planned Care, Outpatient Care and Trauma Care.

There was also the consideration that current training for medical doctors was based on specialisation. Specialist doctors were now being deployed to various Nation Health Service (NHS) locations. This has therefore led to the NHS making strategic decisions on how they should deliver best quality services in view of the current training of medical doctors. The centralisation of specialist health facilities at few locations has been viewed as an effective approach. These specialisms include endovascular work; ophthalmology and robotic prostate cancer work. The modernisation process took into consideration the recommendations that came from Royal Colleges, particularly the Royal College of Surgeons. The aim was to achieve the best outcomes for the patients.

Mr Bain said that emergency care was the Trust's highest priority. Some progress had been made over the last three years. The region now had 24/7 Stroke Thrombolysis Service which was providing a good service to residents. A maternity strategy had been consulted on and was implemented in 2012 and was set up at QEQM Hospital.

Ms Marion Clayton, the lead officer on the programme for Outpatient Services led discussion on the proposed changes relating to the Outpatient Services on East Kent. She said that she was working various health professionals on an eighteen months reform programme to improve the outpatient health service delivery. Significant investments had been made in diagnostic with the setting up of CT Scanners and MRA Scanners at QEQM Hospital. This was in order to secure a good patient pathway. Ms Clayton said that there was a need to be more innovative in the use of limited resources in order to minimise waste.

EKHUFT had engaged a number of stakeholder groups that included patient groups, professionals, General Practitioners (GPs), health commissioners and voluntary groups to get their views on the proposed changes. From these discussions EKHUFT got the views ranging from patients preferring less travel to an outpatient appointment, preference for 9am – 5pm appointments to Saturday morning outpatient service. Ms Clayton said that they were considering offering outpatient by skype video calling in order to cut on unnecessary travel by patients. This service had been successfully run in the highlands of Scotland and Cornwall.

Tele-Health and Tele-Medicine has helped as an appropriate intervention. Ms Clayton said that the idea was to offer health services in a modern bright and user friendly environment. The service would offer a one stop appointment where patients would get such services as consultations, diagnostic electronic results and get a booked admission for surgery where appropriate. Ms Clayton said that reducing the specialist sites to six would offer patients better access to health services. Currently in Thanet 84% of the residents can access Margate health services in 20 minutes of travelling time and after the new approach has been adopted that number was expected to increase to 97%. She said that in order to realise the travel times anticipated, there was a need to improve the transport links in the area. Ms Clayton said that the NHS were investing £455,000 and were working with Stagecoach on this one-off investment. There was a public consultation on that which was due to end on 17 March 2014, after which the University of Kent would carry-out an analysis of the information from this consultation.

Some Members expressed concern that there was a perception that the changes that were coming through would see the closure of QEQM Hospital by stealth. Mr Bain said that EKHUFT had invested significantly over the last five years at QEQM Hospital. They built staff accommodation that cost about £20million. He said that the hospital was one of the major A&E Services in East Kent; serving about 250 patients a day. Mr Bain said that the hospital had not been downgraded. Additional staff for the A&E Services had been recruited to cover QEQM and William Harvey Hospitals. He said that there was a need to put develop appropriate infrastructure in 2014 in order to offer best practice for each patient.

Mr Bain said that any changes to the current approach especially with regards to setting up with six specialised health facility sites, was meant to offer specialist services to local patients. This approach would address long term needs to produce best outcomes for patients. When designing services, a balance had to be struck between research and elective surgery issues. EKHUFT would need to consult the Royal College of Surgeons.

The Royal College of Surgeons had to be convinced that an appropriate service can be implemented. Some Members expressed the view that the relocation of some services away from QEQM Hospital was in order to cut costs. Mr Bain said that the proposals being considered by EKHUFT were to improve and modernise health delivery services. The Trust would increase investment in staff. EKHUFT had posted a surplus of £3million in the previous financial year and operated on a budget of £500million.

Mr Bain said that there was currently a staff shortage of between 200-300 unfilled A & E consultants' posts across England. He said that unlike before, junior doctors specialised at an early stage. They therefore can only be placed on a rota for the medical areas they

specialised in. He said that the challenge was to keep a critical mass of accredited staff. The specialist staff had to maintain a certain amount of work load to remain accredited. The proposed changes to the service were to create that working environment. Other Members said that EKHUFT were doing exemplary work under the current circumstances. They did not believe the QEQM Hospital was going to close and suggested the need to allocate more resources to disadvantaged areas like Thanet. This would address the issue of perceptions that had been alluded to earlier during the debate.

**387. RESPONSES OF CABINET / COUNCIL TO RECOMMENDATIONS OF OVERVIEW AND SCRUTINY PANEL**

The report was noted.

**388. ICT MEMBERS' REMOTE ACCESS - RESPONSE TO OSP CALL-IN**

Donna Reed, Director of East Kent Services introduced the report. She said that the officers responded in the agenda report to the questions raised in the reasons for call-in. Members' remote access was identified as a not meeting the PSN compliance standards. There was a need for Council to meet this compliance requirement of managing data by 31 March 2014. The purchase of ipads was viewed as a quick solution to the problem and that it would fit in with the modernisation agenda for the Council.

Members said that the additional information provided as a result of the call-in questions had clarified the issue. They were also satisfied that training would be offered to Members in advance of the roll-out. They requested for the inclusion of evening slots for the training sessions. Donna Reed assured Members that the new technology being proposed would work. Members were concerned about the security of data especially when it came to the use of wi-fi. They were also not so sure how Members would adapt to using these mobile devices to follow proceedings during meetings.

Some Members were concerned that paper copies may be stopped abruptly before they were familiar with the new technology. They suggested that trials should have been conducted first with a group of Members to determine feasibility. Donna Reed said that the paper copies would be phased out gradually and not before 2015 District Council elections. She said that conducting a trial out of the technology would have been a better option; but unfortunately there were tight deadlines by which the project had to be delivered.

Members expressed concern regarding the possible security risk of confidential information whilst using the ipads connected to publicly accessible wifi. Donna Reed said that the Cabinet Office was satisfied with the technology that was being proposed. She said that Dover District Council and Canterbury City Council had adopted the technology. Other Members were concerned about the public perception towards Members being allocated ipads; although this was a necessity due to Government regulations.

Members requested that wi-fi facility should be made available in all meeting venues since Council meetings venues extended beyond the Council Chamber.

Councillor Hornus proposed, Councillor Campbell seconded and Members agreed that the Panel took no further action in respect of the call-in (thereby allowing the Cabinet decision to be implemented).

**389. TRANSEUROPA DEBT REVIEW - FINDINGS & RECOMMENDATIONS REPORT**

The Chairman thanked Members of the Transeuropa Debt Review TFG for the work they put into producing the comprehensive recommendations. Other Members expressed

satisfaction with the scrutiny work undertaken and the outcome produced by the sub-group.

Members were concerned that the subject under discussion was a sensitive issue to manage and required confidentiality. They said that the external Auditors had reported that some Members were said to have shared restricted information with the public. This added to the challenges of managing the Transeuropa issue. One Member said that the statutory provision that requires the sharing of such confidential information with the Chairman of the Overview & Scrutiny Panel had been breached by officers during the tenure of two previous Chairmen.

Mr Patterson acknowledged that the same audit report advised of the need to share confidential information with Members more widely but also advised of the need by Members to maintain confidentiality where required. He said that Cabinet had since put in place measures to ensure that debts were reported to Members and avoid a similar situation.

Councillor Campbell proposed, Councillor Harrison seconded and Members agreed the following:

1. Receive and note the report;
2. Adopt the findings, lessons learnt and recommendations of the Transeuropa Debt Review TFG as reflected below:

**A. SUMMARY OF FINDINGS**

The key findings were as follow that:

- i. Members generally agreed that Thanet District Council (TDC) officers and Members acted in good faith in the understanding that there was no other supplier waiting to provide this type of service to Thanet;
- ii. Members of all political parties and officers acted in good faith at all times in dealing with this matter.
- iii. Members observed that one of vessels, the Spirit of Ostend was left to sail away from the Ramsgate Port when it could have been temporarily detained to ascertain the possibility for Council to recover the £380,005-08 owing to Council. An opportunity was therefore missed by Council.
- iv. "We the sub-committee believe that the permission to let the Spirit of Ostend leave Ramsgate Harbour was an error."

**B. LESSONS LEARNT BY MEMBERS OF THE TFG**

Members of the sub-group acknowledged the following as lessons learnt by Council as a result of the Transeuropa debt issue:

- i. Members acknowledged that some lessons had been learnt from this incident; particularly the need for efficient record keeping of engagement with third parties and within Council when transacting important Council business (including commercial transactions).
- ii. There was a need to conduct comprehensive analysis of all financial risks that could occur and determine what mitigatory measures Council would need to put in place in order to minimise such risks.

- iii. There was a need to provide evidence that Cabinet was making appropriate calculated risk management for any debts even before such debts accrue to £150,000 are reported to Cabinet and Full Council;
- iv. After the local government elections in May 2015; appropriate in-depth Member training should be provided to all elected Members;
- v. Specific training should be provided to Cabinet Members;
- vi. When faced with a situation where there is a lack of information for Members to make informed decisions in future; Members should challenge officers and demand to be given adequate information;
- vii. If then Members still do not get the requested information; corrective action should be taken against officers;
- viii. In future, if TDC sought an agreement for the re-arranging of debt; Audit should check if such an arrangement is effective and efficient;

**C. LESSONS LEARNT BY THE PAST & CURRENT CABINET**

Members of the past and current Cabinet expressed the view that there were some lessons to learn from this incident. These include:

- i. All officers and Members involved in the decision making process made their best efforts in making the best decisions. They thought through issues that were extremely complicated and involved complicated permutations;
- ii. That if Cabinet had known that the debt was never going to be made right, Members would have stopped the arrangement made with the ferry company;
- iii. The importance of having robust corporate processes was highlighted in this incident; including the need to have robust audit trail and recording of officer meetings in relation to this subject;
- iv. The need for more clarity for the Leader of Council, other Cabinet Members and officers when handling such matters in the future.
- v. The role of Section 151 Officer should be separate from that of the Chief Executive.
- vi. Council could consider a different form of governance arrangements for the Ramsgate Port. Council could consider setting up the Ramsgate Port as a separate business entity that is run outside the other Council business activities and then getting a dividend from the operations of that business

**D. LESSONS LEARNT BY TDC OFFICERS**

The following are the lessons learnt as reflected by senior Council officers:

- i. The need for formal noting of significant decisions. This included the need for recording sensitive confidential commercial information;
- ii. The need to ensure the recording of Member and officer decisions;
- iii. The need for setting up formal timelines in the process of recording these important corporate decisions;

- iv. The need to acquire evidence regarding the due diligence that would have been carried out on any new investor(s) to ascertain their viability on a proportional basis;
- v. The need to have a criteria for processing key decisions: - The structure of decision making should be timed so that Members and officers know when to make tough choices by setting 'trigger-points' in the decision making process;
- vi. There was need to include the legal steps to be taken in order to recover debts that relate to port customers. This included the need to look at such issues as 'securing Council debts.'

**E. SUMMARY OF OVER & SCRUTINY PANEL RECOMMENDATIONS TO CABINET**

- i. In future commercial agreements relating to debt and similarly significant matters should be kept on record; supported by adequate (fulsome and complete) records of the following:
  - a. All meetings held by officers, Members and other relevant parties;
  - b. All relevant telephone conversations by officers, Members and other relevant parties;
  - c. All emails and other correspondences between officers, Members and other relevant parties;
  - d. Members generally agreed that all this information should kept in chronological order and in sufficient detail. Such information should be supplied to Members when required.
- ii. Council should conduct detailed risk analysis on any major projects and such information should be disclosed to Members;
- iii. Make available relevant commercial information (e.g. rules governing the lien issues); could be made available to senior Members of Council across political parties;
- iv. Council should adopt a reporting procedure to Cabinet to make Members aware of the build-up of the debt before such debts are report to Full Council when they reach the £150,000 limit;
- v. In carrying out a financial risk assessment, due diligence should also be conducted and the outcome reports should be made fully available to Cabinet Members;
- vi. Council should provide appropriate in-depth mandatory training to all newly elected Members;
- vii. Council should provide specific training to Cabinet Members;
- viii. In future, if TDC sought an agreement for the re-arranging of debt; Audit should check if such an arrangement is effective and efficient;
- ix. Where there is a lack of information for Members to make informed decisions in future; Members should challenge officers and demand to be given adequate information;
- x. If then Members still do not get the requested information; corrective action should be taken against officers;

- xi. Council should not waste any more of the tax payers' money to recover the debt unless new information emerges.

3. Forward the recommendations to Cabinet for consideration by the executive.

When put to vote, Councillor Driver and Councillor Cohen voted against the recommendations and asked that their vote against be recorded in the minutes.

**390. THANET COMMUNITY SAFETY PLAN FOR 2014-2015**

Councillor Campbell, Chairman of the Community Safety Partnership Working Party gave a brief report with reference to the working party report in Annex 2 of the report. He said that at the recent meeting of the subcommittee, Members were advised that the Kent Police were undergoing a reorganisation. Chief Inspector Nick Gossett had agreed to make a presentation at a Members Briefing on the subject before the reorganisation had been implemented.

Councillor Hornus proposed, Councillor W. Scobie seconded and Members agreed that, taking into consideration the recommendations from the Community Safety Partnership Working Party from 3<sup>rd</sup> March 2014 as set out in Annex 2 of the report; the Overview and Scrutiny Panel agreed to recommend to Cabinet the priorities and proposed actions in the Thanet Community Safety Plan 2014/15 as set out in Annex 1 to the report.

**391. CALL-IN OF INDIVIDUAL CABINET MEMBER DECISION - DREAMLAND COMPENSATION PAYMENTS**

One Member sought clarification from officers on whether the compensation was going to be paid from the £3.2million identified in the Council Budget for 2013/14. In response Madeline Homer, Director of Community Services advised the Panel that it would be inappropriate to discuss the details of the compensation in a public session for fear that it would compromise commercial negotiations. Mr Harvey Patterson, Corporate & Regulatory Services Manager said that Council had taken evaluation advice on fulfilling the statutory obligation to make the advance compensation payment.

Another Member said that the reason for calling in the executive decision was to seek assurances that all due processes had been followed in reaching at that decision. They said that they had received the assurance from the officer concerned and were satisfied with the answers provided.

Councillor Campbell proposed, Councillor Hornus seconded and Members agreed that no further action was required for this issue in respect of the call-in (thereby allowing the Cabinet decision to be implemented).

**392. REJECTED PETITION - STOP THE ATTACKS ON BENEFITS**

A Member of the Panel expressed concern regarding what may be perceived as inconsistencies in adjudicating the validity of petitions. They said that this petition was rejected because it did not spell out what action should be taken by Council. The member observed that a petition that did not specifically spell out the action required to be taken by Council on the QEQM A&E Services was passed as valid and led to the Panel setting up a task & finish group. Other Members suggested that perhaps the QEQM petition should also have been rejected by Council for the same reasons.

The report was noted.

**393. POSSIBLE REVIEW OF COUNCIL PROCEDURE RULES, PARTICULARLY IN RELATION TO OPPORTUNITIES FOR BACKBENCH MEMBERS' PARTICIPATION AT MEETINGS OF FULL COUNCIL**

Councillor Harrison proposed and Councillor Campbell seconded that there be no change to the current governance arrangements in relation to Council Procedure Rules.

Some Members said that the current Constitution provided a number of ways that could be used by backbench Members to contribute to debate at Full Council and that these included the Councillor Call for Action. They said that Members rarely used Councillor Call for Action to initiate debate. One Member suggested that the report should have offered an alternative to the strong Leader/Cabinet model which was currently in place. They said that a return to a committee system would be a better option because more Members would be involved in decision making and not just Cabinet Members. Other Members said that the current Executive arrangements were appropriate.

The Chairman commended officers for the research undertaken to produce the report.

Other Members suggested that the review work could be progressed further if it was delegated to a small group to consider the issue in more detail. They said that the more in-depth discussion should have taken place amongst the Political Groups before the report came to the Panel as it was important that all Groups were generally agreed of the need to carry this issue forward.

Proposed by Councillor K. Gregory, seconded by Councillor M. Tomlinson seconded and Members agreed that the report be referred to the Constitutional Review Working Party for further consideration.

**394. REVIEW OF OVERVIEW & SCRUTINY PANEL WORK PROGRAMME FOR 2013/14**

Councillor Campbell proposed, Councillor Hornus seconded and Members agreed the following:

1. That Members note the Work Programme report;
2. That the draft terms of reference for the QEQM A&E Review Task and Finish Group which are attached as Annex 2 to the report are agreed;
3. That the Pleasurama Site Development Review TFG and Transeuropa Debt Review TFG had completed their work and should be de-commissioned.

**395. FORWARD PLAN AND EXEMPT CABINET REPORT LIST:-20 FEBRUARY 2014 TO 10 JULY 2014**

Members requested that future reports on the Forward Plan should offer reasons for deferring decision dates for issues on the Plan.

Meeting concluded: 9.50 pm