

# OVERVIEW AND SCRUTINY COMMITTEE

## ***The Overview and Scrutiny Committee consisted of the following members:***

Councillor R Morgan (Chairman)  
Councillor K Angold-Stephens (Vice Chairman)  
Councillors N Avey, T Church, D Dorrell, L Girling, S Kane, P Keska, A Mitchell, G Mohindra, S Murray, S Neville, B Rolfe M Sartin, G Shiell, B Surtees and D Wixley

The Lead Officer was Derek Macnab, Deputy Chief Executive and Director of Neighbourhoods.

## ***Terms of Reference***

The Overview and Scrutiny Committee's main functions are to monitor and scrutinise the work of the executive and its forward plan, external bodies linked to the District Council and the Council's financial performance. It is tasked with the consideration of call-ins, policy development, performance monitoring and reviewing corporate strategies.

## ***The Committee's workload over the past year can be broken down as follows:***

### ***(a) Scrutinising and monitoring Cabinet work***

The Committee has a proactive role in this area through carrying out pre-scrutiny work. This involved considering the Cabinet's Key Decision List (Forward Plan) for the coming months on a meeting by meeting basis.

### ***(b) Call-ins***

The Committee received one call-in this year.

The call-in received was on the Cabinet Decision ((C-018-2015/16) on the release of restructure covenants on land at Epping Forest College, Loughton.

The Call-in was based on the following premises, that:

- 1) *The covenants were imposed by the London County Council to protect an adequate supply of land for educational and NHS use in the vicinity of the residential development they had undertaken.*
- 2) *That need remains valid today.*
- 3) *ECC projections of rising 5s, plus the factors of extensive EFDC council house building and of continuing in-migration, imply a new school will be needed in 7-10 years.*
- 4) *There is no suitable spare land in Loughton on which a new school could be built.*
- 5) *Therefore this land, use of which was restricted for the needs of the then LEA (and NHS), should continue to be protected by covenant, for its original purpose.*

In attendance for the consideration of the call-in was Brian Page, the interim Principal of Epping Forest College; County Councillor Ray Gooding, the ECC Cabinet Member for Education and Lifelong Learning and Mark Pincombe the ECC School Organisation Officer.

The responsible Portfolio Holder noted that it was not his job to address the provision of primary educational needs for the area. Officers had asked Essex County Council's Education department and they said that they did not want the land; and the education projection of the population by the ONS suggested that no new places were to be needed in the next 10 years. He had received a request from Epping Forest College to release the Covenant and had to process that request in a reasonable timescale. It was a decision that was looked at in great depth, and in which officers had asked the Education Authority whether they wanted the land and they did not. Given that, the Cabinet had no option but to say that it made sense to release the covenants.

In the end and after reviewing the arguments both for and against, the Overview and Scrutiny Committee confirmed the original decision of the Cabinet (C-018-2015/16) regarding the release of restrictive covenants on land at Epping Forest College.

### ***(c) Select Committees work programme monitoring***

The Committee received regular updates from the Chairmen of the various Select Committees reporting on the progress made on their current work programme. This allowed the Committee to monitor their performance and if necessary adjust their work plans to take into account new proposals and urgent items.

### ***(d) Items considered by the committee this year***

Over the year the Overview and Scrutiny Committee received various presentations and considered a range of diverse topics.

### ***Presentations:***

**(i) Barts Health NHS Trust – Whipps Cross University Hospital** - The Committee at their first meeting of the year in June 2015 received a presentation from Lyn Hill-Tout, the interim Managing Director of Whipps Cross University Hospital. She was there to report to members on Barts Health NHS Trust's detailed plans for improvement in the areas of concern identified by the Care Quality Commission (CQC).

The Committee noted that Ms Hill-Tout had only been in post for 8 weeks, although she has had 42 years experience in the NHS and was last at the Mid-Staffordshire NHS Trust.

The Committee noted that 4 warning notices had been issued by the CQC plus specific compliance actions. The key concerns arising from the inspections were: insufficient staff levels; a persisting culture of bullying and harassment; bed occupancy that was too high; and a failure to meet national waiting times targets. Part of these concerns related to the high levels of agency staff and low staff moral.

The four warning notices related to the following regulations: staffing; incidents and learning (staff did not feel that anything was being done); flow, escalation, end of life care; and complaints and PALS.

There were however areas of outstanding practice, one was the effective management of pain relief for children and adults and their 'Great Expectations' maternity programme.

Four major hospital services at Whipps Cross (surgery, critical care, maternity and gynaecology, and services for children and young people) were rated as good for delivering caring treatment.

Ms Hill-Tout noted that Whipps Cross was still needed and had a future in providing acute healthcare to its local population, but has to change and develop a strategy for the future. They were committed to transparency with their stakeholders, staff and patients about their progress. A lot of people looked upon Whipps Cross as their local hospital and there was a lot of positive feedback from the local population.

The meeting was then opened out to questions from the members of the committee.

*(See Case Study for full details)*

**(ii) Volunteering through Time Banking** - At their meeting in July 2015 the Committee welcomed Marc Balkham the Voluntary Action Epping Forest (VAEF) time-bank co-ordinator; with him was Chris Overend the EFDC policy officer.

Mr Balkham noted that this scheme covered the Epping Forest District as well as Harlow. This was about an exchange of time and skills between time bank members. They need only do what they wanted, when they wanted to. As they volunteered they built up time credits and were able to claim it back. Some examples of things that could be done were gardening, DIY, help with IT, languages, music or dance tuition. The scheme was free to join, with any exchanges covered by insurance. There was a simple online registration process that also required two referees. This was a requirement for joining, and both referees would be contacted and asked to provide a reference.

Some activities were best avoided such as providing direct care; anything carrying a financial risk; or repairs to cars and motorcycles for critical mechanical works such as breaks, steering or suspension; and childcare and anything connected with children. Groups of members could become mini time banks, if they had a shared location or shared aims.

The meeting was then opened to questions from the members present.

**(iii) Presentation from the Epping Forest College** - At their meeting in October 2015, the Committee received a presentation from Mr B Page, Deputy Principal of Epping Forest College and Mr S Markham, Director of Fusion Project Management Limited regarding the work of Epping Forest College.

Mr B Page advised that the college had expanded its courses recently and were working in close partnership with external organisations to widen the educational experiences of its students.

Mr S Markham advised of future plans in regard to the college site. A proposal was being made for the creation of a Sports and Health and Well being facility, which would be built through a self funded scheme. The college required release of surplus assets to invest. The facility would have full community access.

Later in the year this would be a subject of a call-in.

The meeting was then opened to questions from the members present.

**(iv) Barts Health NHS Trust** - At their February 2016 meeting the Committee received a return visit from Barts Health NHS Trust there to update the Committee on their improvement plan from their last visit to this meeting in June 2015. In attendance was Fiona Smith, the Managing Director for Whipps Cross Hospital, with Dr Heather Noble, the Medical Director and Felicia Kwaku, the interim Director of Nursing.

They had now finalised their improvement plan called 'Safe and Compassionate', with each site having the same headings for their improvement plans. The improvement was being delivered through seven key work streams with both a corporate and site based focus and key government structures.

They had made progress in freeing up ward managers to manage ward fundamentals; nursing documentation had been streamlined; had started a 'smile and care' campaign and patient engagement workshops; put in a revised complaints process with a requirement to be much more responsive; and visitors and patients were able to identify the nurse in charge via a badge.

They had also ensured that there were appropriate care plans for those patients nearing the end of their life. Also the Margaret Centre had now been refurbished, making it a more safe and comfortable environment for patients and families.

The Trust now had a new Chairman and a new Chief Medical Officer and a new Deputy Chief Executive. The Trust Board also had two new Non-Executive Directors to strengthen the Board. They also had new site teams in place accountable for operational delivery. They have a new programme called 'listening into action' to engage staff and also hold "Big Conversations" with staff (so far with over 1000 staff). This had resulted in lots of little improvements being made following suggestions from members of staff.

*(See Case Study for full details)*

#### ***Other Topics Considered:***

**(i)** Over the course of the year the Committee considered the Cabinet's Forward Plan and Key Objectives for the coming year on a regular meeting by meeting basis. At each meeting the Committee looked at the updated list of the coming year's work programmed in for the Cabinet.

**(ii)** In June 2015 the Committee received a report setting out the year end outturn of the Corporate Plan Key Objectives. The Committee reviewed the report setting out the final outturn and progress made of the Council's Key Objectives for 2014/15.

They noted that:

- (a) 65% of the individual deliverables or actions supporting the key objectives had been achieved; and
- (b) 35% of the deliverables or actions were not completed by year-end.

**(iii)** The Leader of the Council, Councillor C Whitbread, introduced the Corporate Plan, Key Action Plan 2016/17 report. The Corporate Plan included the aims and objectives which are the Council's highest level strategic intentions. He noted that this was coming out earlier this year so as to get as much input as possible. This was an early opportunity for members to have some input into the Corporate Plan for 2016/17.

**(iv)** In July 2015 the Committee considered a consultation document on the replacement Waste Local Plan, revised preferred approach. They noted that Essex County Council (ECC) and Southend Borough Council were Waste Planning Authorities (WPAs) and were required to prepare a Replacement Waste Local Plan (RWLP) under the Planning and Compulsory Purchase Act (2004) and the revised EU Waste Framework Directive (2010).

The consultation ran from 18 June to 30 July 2015 – a period of six weeks, but the lead-in time for this Committee has meant that officers have had only one week to familiarise themselves with lengthy and quite difficult documentation to prepare this report. Officers believed that this was a wholly unreasonable approach by the WPAs, unfair to all consultees because of completely inadequate time to get to grips with a very important, but very complex, issue.

The formal response by this Council to the consultation emphasised the dissatisfaction that was shared by officers and Members. With future consultations, and with issues of this complexity, the Waste Planning Authorities must make full allowance for the lead-in period required by local authorities to prepare and publicise Committee reports.

**(v)** Also in July, the Committee considered the newly established Select Committee's Terms of Reference following the Council's revised procedure rules for the operation of the Overview and Scrutiny Function. The terms of reference were developed between the lead officers and the Chairmen of each committee before they went to the first meeting of that select committee for consideration and agreement. The terms of reference were intended to reflect the scope of each committee who were to provide regular progress reporting on relevant matters to be made to the Overview and Scrutiny Committee.

**(vi)** In October 2015, the Committee received a report from the Democratic Services Manager regarding the Overview and Scrutiny Article and related rules from the Constitution which were being reviewed by the Constitution Working Group.

The approach of the review were for rules which applied generally to be moved into the main rules section and Article 6 (Overview and Scrutiny) would be re-drafted to address instances of relevant procedures being spread across the Constitution.

**(vii)** The Committee also received the final report from the Youth Engagement Review Task and Finish Panel presented by Councillor A Patel, a member of the Panel in the absence of the Chairman, with Councillor S Murray, and Youth Councillor J McIvor.

The Youth Engagement Review was undertaken between April and September 2015 during which they received evidence from Council officers, Youth Council Members and Essex County Council. Although the panel had been particularly interested in the targeted work undertaken with young people, they were disappointed that the County Council did not deliver any youth work within Epping Forest district because of budget cuts.

The Panel had recommended that the current operational budget for the Youth Council should be maintained at £12,000 per annum and that the Cabinet be asked for a CSB Growth Bid of £8,000 per annum for an enabling fund to support the Youth Council's access to projects. In addition, the Panel had requested that the District Council pursue devolvement of the budget and responsibilities for Youth Provision from the County Council to the District Council. A further bid would be made to the Cabinet for another CSB Growth of £25,000 per annum for targeted work by Community Services and Safety of the County Council.

The Committee agreed the recommendations made by the Task and Finish Panel and recommended them to the Cabinet.

Through the year the Committee was kept apprised of what was happening to the Task and Finish Panel's recommendations as they went through Cabinet and the budget setting round.

**(viii)** At the end of each quarter, the Committee received a report regarding the Quarterly Performance of the Key Objectives Key Action Plan 2015/16.

The Corporate Plan was the Council's key strategic planning document, setting out its priorities over the five year period from 2015/16 to 2019/20. The priorities, or Corporate Aims, were supported by Key Objectives which provided a clear statement of the Council's overall intentions for these five years.

**(ix)** In January 2016 the Committee received a report on Chelmsford City Local Plan consultation issues. Chelmsford's current local plan would run until 2021 and the next local plan was intended to roll forward to 2036. This consultation on the issues and options was the first of three such public consultation exercises.

Chelmsford shares boundaries with seven other Essex local authorities including Epping Forest District. It has an area of about 34,000 ha, 34% of which is in the Green Belt – this covering the south-west of the City Council area, including the boundary with this Council. It has a current population of 168,300 (with approximately 110,000 in Chelmsford Urban Area) and this is expected to increase to 192,000 by 2022.

Members noted that provision for traveller sites and pitches was a particularly difficult issue for this authority because of the 92% Green Belt coverage and the fact that permanent and temporary pitches were inappropriate development in the Green Belt. As this authority has a target of 112 extra pitches from the Essex GTAA 2014, one of the options for meeting this will be to discuss with neighbouring authorities the possibility of meeting some of this need through joint or shared provision. Chelmsford's consultation document did not mention this as a potential option.

**(x)** Also in January the Committee received another consultation document on the consultation relating to Crossrail 2.

Following an earlier consultation in 2013, the route for Crossrail 2 was decided upon with the Regional option favoured over the Metro option. This decision accorded with the route preference expressed by this Council at that time. Subject to funding and Government approval, it was anticipated that an application for powers could be made in 2017, with construction beginning in 2020 and completion in 2030.

The route of the Regional Option Crossrail 2 Line would run north-east to south-west in tunnels through central London linking up Wimbledon with Tottenham Hale. At the north-east end of the line a branch was proposed from Dalston heading to New Southgate in Enfield via Seven Sisters. However, the main line would run through Tottenham Hale following the WAML route up to Broxbourne.

The Committee noted that it was important to understand what the overall benefits and impacts of Crossrail 2 were likely to be for the District. In reiterating EFDC's continued broad support for Crossrail 2, there were invariably a number of issues and uncertainties at this stage regarding the likely impacts that implementation of the scheme may have. And, given that 2030 was the very earliest date that the line could become operational, assessment of likely impacts on Epping Forest District were very difficult to gauge at this stage.

In expressing a preference for the regional option this Council highlighted its concern about the need for guaranteed future investment in, and improvements to, the Central Line – both the Epping branch and the Hainault loop. The route, speed and relative ticket pricing for Crossrail 2 when it becomes operational are all variables that are likely to influence passenger behaviour between using Crossrail 2 or the Central Line to access central London.

**(xi)** At their February 2016 meeting the Committee responded to the Basildon Borough Council local plan consultation and a consultation from the Essex Fire Authority. This consultation document proposed three options for organisational changes to the Essex County Fire and Rescue Services against a background of changing risk, reduced funding and a greater emphasis on partnership working.

**(xii)** Also in February the Committee considered and agreed the report on the recent review of the Waste and Recycling Collection arrangements and their initial service failures.

It concluded that a number of the problems encountered by Biffa when introducing the revised 4-day collection arrangements, could have been avoided with additional time, e.g. to improve staff training and familiarisation with new vehicles and IT, to test drive new routes more thoroughly, to retain and utilise local knowledge of existing staff, to fully run in new fleet and to have operated longer from new depot locations, before the service change.

This report then went up to cabinet to present its findings.

***(e) Case Study: Barts Health NHS Trust – Whipps Cross University Hospital***

At their June 2015 and their February 2016 meetings the Committee received a presentation from officers from Barts Health NHS Trust.

They were there because a recent Care Quality Commission (CQC) inspection of Whipps Cross had taken place in November 2014 by a team of about 20 inspectors with different expertise. Five domains were used to rate the quality of services: safe, effective, caring, responsive and well led.

The overall CQC rating of Whipps Cross was 'inadequate' and 4 warning notices were issued by the CQC plus specific compliance actions. The key concerns arising from the inspections were: *insufficient staff levels; a persisting culture of bullying and harassment; bed occupancy that was too high; and a failure to meet national waiting times targets*. Part of these concerns related to the high levels of agency staff and low staff moral.

The four warning notices related to the following regulations: *staffing; incidents and learning (staff did not feel that anything was being done); flow, escalation, end of life care; and complaints and PALS*; and the four compliance actions related to safeguarding; consent; records; and equipment.

There were however areas of outstanding practice, one was the effective management of pain relief for children and adults; and their 'Great Expectations' maternity programme. Also four major hospital services at Whipps Cross (surgery, critical care, maternity and gynaecology, and services for children and young people) were rated as good for delivering caring treatment.

The NHS Trust Development Authority (TDA) had placed Barts Health in special measures. These were designed to deliver service improvements at pace by providing support where it was most needed. Part of this support includes the appointment of an Improvement Director and the opportunity to partner with a high-performing trust. It was noted that staff were very relieved when that this report was produced as it had highlighted their concerns.

Improvement programmes would be developed in partnership with staff, staff representatives, patients and partner organisations.

It was noted that Whipps Cross was still needed and had a future in providing acute healthcare to its local population, but had to change and a future strategy had to be developed.

In February 2016 a different set of officers came to the Committee to update them on the progress made by Barts Health in the eight months between their first visit in June. They came to update the Committee on the measures undertaken since Barts NHS had been put into special measures and Whipps Cross Hospital had received four warning notices issued by the Care Quality Commission (CQC). They had now finalised their improvement plan called 'Safe and Compassionate', with each site having the same headings for their improvement plans. The improvement was being delivered through seven key work streams with both a corporate and site based focus and key government structures.

The trust had put in place "safety huddles" for each hospital every day, to discuss any safety or quality issues that would affect their patients. They also reviewed performance on a ward by ward basis against key quality and safety metrics that allowed them to track the measures in place. They also held monthly learning reviews looking at learning and sharing of improvement actions.



They had made progress in freeing up ward managers to manage ward fundamentals; nursing documentation had been streamlined; had started a 'smile and care' campaign and patient engagement workshops; put in a revised complaints process with a requirement to be much more responsive; and visitors and patients were able to identify the nurse in charge via a badge.

They had also ensured that there were appropriate care plans for those patients nearing the end of their life. Also the Margaret Centre had now been refurbished, making it a more safe and comfortable environment for patients and families.

They were also tackling the number of vacancies and engaging more with staff. They had reviewed safe staffing levels and increased funded nursing establishment by 532 posts (150 posts being at Whipps Cross). Their current fill rate was up to 82% and they wished to take it up to at least 90%.

Whipps cross Hospital now had an integrated discharge team, working with CCGs, Council Social Care and Community Health Teams.

They were also investing £2million in IT, the first steps in a wider programme; £17.5million was planned in investment in Whipps Cross improvements; there was also a ward improvement programme and £15million set aside for medical equipment across the Trust. It was noted that Whipps Cross was an old site, hard for staff to work in, but Barts Health was now investing in the site. A new High Dependency Unit was to be opened by July.

The Committee via the Chairman thanked the representatives from the Barts Health NHS Trust for their excellent presentation and their full and helpful answers and congratulated them on the work they had done so far.