

**MINUTES OF THE MEETING OF SCRUTINY
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 20 NOVEMBER 2008**

MEMBERS

* Cllr C M Pannell - Chairman

* Cllr K J Baldry - Vice-Chairman

* Cllr J H Baverstock

* Cllr P H Cook

* Cllr G J Fielden

* Cllr R D Gilbert

* Cllr J W Squire

* Cllr J A Westacott MBE

* Denotes attendance

Also in attendance at the invitation of the Chairman:

Cllrs H D Bastone, J I G Blackler, B F Cane, B E Carson, M J Hicks, P W Hitchins,
D M O'Callaghan and R J Tucker

Officers in attendance:

Item 7 (Minute SC.28/08 below refers): Strategic Director (Resources); Head of
Landscape and Leisure and Landscape and Recreation Officer.

Others in attendance:

Item 7 (Minute SC.28/08 below refers): Tadpool Representatives:- Scott Atkins, Ian
Brandon and Liz Russell; and

Item 8 (Minute SC.29/08 below refers): Devon PCT Representatives:- Dawn Collier
(Assistant Director to Health & Social Care Delivery (Southern), Jenny McNeill
(Director of Strategic Commissioning), Colin Pincombe (Non-Executive Director) and
Dr David Radford (Chairman of Devon PCT).

SC.26/08 MINUTES

The minutes of the meeting of Scrutiny held on 16 October 2008 were confirmed as a correct record and signed by the Chairman, subject to the Tone Leisure paragraph under Minute SC.25/08 ('Agenda Items for Future Meetings of Scrutiny') being amended to replace the word '*precede*' with '*to follow*'.

SC.27/08 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr P H Cook declared a personal interest in Item 7: 'Tadpool' (Minute SC.28/08 below refers) by virtue of her being a member of the Quayside Leisure Centre and occasional use of the Totnes Pavilion and remained in the meeting and took part in the discussion and vote thereon.

SC.28/08 TADPOOL

In introducing the item, the lead Executive Member for the Distinct Environment issued an apology to both Tadpool and the Scrutiny Group for the confusion regarding the lack of Tadpool representation at the previous Scrutiny meeting (minute SC.20/08 also refers). The Member wished to stress that Tadpool representatives had been willing to attend this meeting but, unbeknown to Scrutiny, had been requested to defer their attendance until a later date, after which a meeting would have been held between Tadpool and the Council.

The Chairman of Tadpool informed Members of the history and background behind the establishment of the charitable group, and the origination of its' present partnership with South Hams District Council. The partnership began in 1990, when the authority built new leisure facilities as an extension to the established Tadpool swimming pool facility. The authority had since contracted Tone Leisure to run those parts of the leisure centre owned by the authority.

The Chairman of Tadpool advised that they were experiencing problems in their working relationship with Tone Leisure and that there were disagreements about the pricing structure and method of payment for leisure centre members, which they had been unable to resolve to date. This centred on the method of payment options for leisure centre members. They advised that Tone Leisure's preferred option was for a wholesale receipt of membership revenue consisting of a minimum of nine monthly direct debit payments. The Chairman of Tadpool advised that they were happy for the direct debit option to be available but that they were very unhappy for the proposal to remove the flexible pay as you go cash payment option altogether which would affect those residents on low incomes and those without access to bank accounts. Representatives vehemently asserted their belief that this payment option should remain.

A second issue of concern to Tadpool was that of their 'cash paying' members being excluded from using other leisure centre facilities within the South Hams. The Chairman of Tadpool expressed frustration that their cash paying members, who were all Council Taxpayers, should be excluded from using other leisure centre sites.

Throughout their relations with Tone Leisure, the Chairman advised that there was a growing perception of a different management ethos between the two charitable groups. The Tadpool Chairman concluded that their own culture was a 'not for profit' ethos, as opposed to, what she perceived, as a business ethos by Tone Leisure. As a consequence, there were considered to be a number of grey areas between the two organisations that were not covered in the original contractual arrangements. It was felt that the Council needed to revisit the legal agreement in an attempt to resolve these areas. Members were advised that Tadpool had also sought legal advice with regard to the arrangements.

In addition, Tadpool representatives said that Tone Leisure frequently did not give them enough notice to consider issues put to them, which had left them feeling rather bullied and pressurised to come to decisions quickly. This had further eroded working relationships.

The view was also expressed that the residents of Totnes were getting an unfair deal in that Tone Leisure were putting, as they perceived it, zero investment into the Leisure Centre. This was in stark contrast to the other centres for which they were responsible, and this was considered to be very unsatisfactory. They felt that this situation, combined with the previously raised issues (as above), was isolating them as a group and was further eroding working relations.

Representatives also added that the condition of the building had become sub-standard, that the reception area was very unwelcoming and that there had been no efforts by Tone Leisure to invest in the building or promote the facilities in order to maximise their use.

The Head of Landscape and Leisure advised the Group that when the Authority had entered into a joint management agreement with Tadpool in the 1990s, such partnership arrangements were in their infancy. He reminded those present that Tone Leisure was a charitable organisation too, but had the additional pressure of having to deliver against targets set by the Council. Furthermore, any surpluses generated by Tone were contractually obliged to be re-invested back into the centres. It was also acknowledged that the two organisations were working to different objectives and that a lack of trust had unfortunately developed between them.

Officers also informed Members that the Council would have to undertake risk assessments on all the options available to it, but that it was hoped, through negotiations, that the partnership would continue. Members were reminded that there may be other options that were available and these would be considered over the next few months but that whatever option was chosen, the Council could not expose itself to any greater risk.

During discussion, the following points were raised:-

- (a) Some Members expressed their support for Tadpool's position on the desire to retain cash payments, whilst another also supported Tone Leisure's position to convert to wholesale direct debit payments as the means by which businesses were able to forward plan. The Member felt that this may be an issue that Tadpool would have to concede upon;
- (b) A question was raised as to whether Tadpool would be prepared to run the entire Totnes site facility on their own, including the maintenance of the building. In response, the Chairman of Tadpool replied that whilst this would be a tempting prospect, such a decision would require a lot of discussion and information regarding the availability of grants, and further, it would not resolve the matter of

exclusion of their membership from the use of other facilities within the South Hams. Some Members commented that this would be quite a leap for Tadpool and believed that a partnership approach was still most likely to be the best way forward for both the Council and the people of Totnes;

- (c) In contrast to (b) above, another Member asked if Tadpool would be prepared to hand over total management of the site to Tone Leisure. A representative of Tadpool replied that this proposal would not be supported by the organisation and that they had no confidence in Tone Leisure being able to run the facility for the benefit of the people of Totnes in line with their own management ethos. Furthermore, representatives also advised that there would be legal implications, which would make such an arrangement difficult to achieve;
- (d) A Member suggested that Tadpool might have to consider some compromises in order to resolve the impasse with Tone Leisure. A representative replied that they had already made compromises in various matters of the management of the site e.g. in agreeing to assist with the funding of the crèche facility, in reducing its staff and in agreeing to the direct debit option. He asserted that they were able to make joint management decisions where necessary but that they fundamentally disagreed with the proposal to remove cash payment facilities and to enforce a minimum nine month membership commitment;
- (e) The suggestion was made that to resolve the matters between the two organisations, 'all party' meetings should take place between the Council, Tadpool and Tone. The Leader of the Council advised that such meetings had taken place and would be the way forward, but emphasised that this impasse had to be resolved by the end of this financial year. As a result, Members felt it would be helpful to receive a three month update report at the Scrutiny Group meeting on 12 February 2009;
- (f) A member of Tadpool expressed his dismay at the attitudes expressed towards them, especially when they were volunteers who were saving the Council money and providing a valued facility to the residents of Totnes. In response, Members wished to acknowledge and express their appreciation towards the work undertaken by the volunteers involved with Tadpool.

In conclusion, the Chairman thanked the Tadpool representatives for their attendance and hoped that a satisfactory outcome could be reached for the benefit of all parties.

RESOLVED

1. That in an attempt to find a satisfactory way forward, the approach of three way meetings between the Council, Tone and Tadpool be endorsed;

2. That Scrutiny receive a three month progress report from Tadpool at its 12 February 2009 meeting;
3. That Members acknowledge and appreciate the work undertaken by the volunteers involved with Tadpool.

SC.29/08 **DEVON PRIMARY CARE TRUST**

As an update since their attendance at 19 December 2007 Scrutiny Group meeting (Minute SC.31/07 refers), the Devon Primary Care Trust (PCT) representatives wished to advise that:-

- (i) the PCT was financially challenged due to the unexpected, and as yet inexplicable cause, of a significant 15% rise in the number of referrals to acute hospitals by GP's. It was noted that this appeared to be a national phenomenon and the reasons were as yet unknown. Whilst the PCT's underlying five-year strategy remained the same, these increases had unfortunately led to a deceleration of the Trust's short-term plans;
- (ii) progress had been made on the PCT's five year strategic plan, which was detailed in the published document 'The Way Ahead'. Members were informed that an extensive programme of consultation (as part of a wide scale review of Health & Social Care) had now been undertaken as the first phase of the strategic plan. Eleven key areas of focus were :-
 - Being Healthy & Staying Healthy
 - Birth & Maternity
 - Children & Young People
 - Planned Care
 - Urgent Care
 - Mental Health & Well Being
 - Long Term Conditions
 - Learning Disability
 - Older People
 - Carers
 - End of Life Care

Representatives outlined the main goals that the PCT aimed to achieve in each of these areas, and which were detailed in 'The Way Ahead' document. As an example of urgent action arising from the consultation stage, the three year waiting time for disabled people to receive an electric wheelchair had now been reduced to three months.

In response to a request, it was agreed that the document would be made available for Members;

- (iii) although the number of NHS Dentists in the South Hams was still a recognised issue, a new dental practice had opened in Totnes and there were also plans to expand provision in Kingsbridge and Salcombe;
- (iv) the development of the Links (Local Involvement Networks) had progressed whereby their increased powers (e.g. to inspect premises) would enable the PCT to have wider reach in terms of its future consultation, which was in addition to their own survey initiatives. Furthermore, as a forum, Links had greater voice and influence to challenge the PCT and had direct lines of communication to the Secretary of State.

During discussion, the following points were raised:-

- (a) A Member expressed concern regarding the time it had taken the PCT to become aware of the rising trend in referrals. In reply, the representatives informed the committee that new GP appointment booking software would enable them to monitor this phenomenon in the future. Furthermore, GP's were now assisting the PCT in investigating potential reasons to justify this trend;
- (b) A Member asked for details regarding the costs for patient transport. In response, it was noted that this information would be available in a Nationwide Document, which was due to be published in January 2009;
- (c) Representatives confirmed that it was hoped that the two extra beds at the Kingsbridge Hospital would be operational by the end of January 2009. However, if staff could be recruited earlier, the beds would be operational sooner.

A Member stated his belief that the PCT had made a grave strategic error when beds at the Kingsbridge Hospital were closed and did not reopen for months, as without the back up of mixed service care teams to support patients at home, a chasm in service delivery had resulted. The PCT Representatives accepted this point, but in mitigation advised that some actions taken during 2006 were in response to inherited budgetary pressures;

- (d) A Member requested an update regarding the issue of the opening times of the Minor Injuries Unit (MIU) at Kingsbridge Hospital. In reply, the representatives stated that after some assessment works, it was felt that the requirement for it to open after 5.00pm, particularly out of season, was negligible and did not justify the high staffing costs that would be incurred. However, the PCT acknowledged that the local feeling was that an opening time to 7.00pm would be beneficial between the months of April and September, for both local residents and tourists. It was noted that discussions had taken place with local GPs, who were keen to explore options to extend the provision of the service in the summer months. Thus, whilst definite assurances

could not be given that the Unit would open to 7.00pm; he affirmed that it was an issue that was under review;

In light of this, a local Member expressed her concerns and questioned why similar neighbouring towns, including those with a smaller population, were still able to staff their MIUs until 10.00pm. The Member went on to remind all present that local people had raised money for the unit and that it had previously been open until 10.00pm and that the current situation equated to an erosion of service.

Moreover, the Member also emphasised the need for more beds at Kingsbridge Hospital and expressed the view that most residents would prefer to stay in a local hospital. In response, Members were informed that the NHS was strategically moving towards more day surgeries and outpatient appointments, as the best use of clinical resources. Currently, the NHS was also considering treatment being undertaken at the most appropriate hospital per condition, rather than simply the nearest hospital;

- (e) The view was expressed by a Member that Mental Health Services were still not being adequately addressed and it was considered to be difficult to get urgent referrals, which was potentially creating a risk to local communities;
- (f) Some Members expressed their concerns regarding the threat to local pharmacies in respect of dispensing facilities emerging at GP surgeries. At the request of Scrutiny, the representatives advised that they would forward Members a written response on the details of a final white paper which had been produced on this issue;
- (g) A Member queried whether the PCT had a contingency plan in place to deal with a heat wave, as was experienced a few years ago in France with devastating consequences to the elderly population. In reply, the representatives advised that such plans were in place, along with contingency plans for winter flu outbreaks, a bird flu pandemic and any other ongoing issue that would seriously impact on the delivery of normal services;
- (h) Representatives confirmed that GP practices were independent from the PCT, which was primarily concerned with increasing influence. The Group was advised that the PCT had good co-operation from GPs and aimed to visit practices, particularly as and when issues arose (such as the recent rise in referrals issue);
- (i) In light of the recent child protection issues at Harringay Council, a Member asked what measures the PCT undertook with regard to safeguarding children. In response, Members were informed that any recommendations arising from the review to be undertaken by the Director of Public Health would be implemented as soon as was practically possible. Furthermore, locally, relevant staff were trained together on multi-agency training courses to recognise the signs and

symptoms of abuse and to share this information. It was also stressed that extra support in parenting skills for vulnerable parents, was part of the five-year strategic plan to improve overall parenting;

- (j) Whilst aware of the public sensitivity, the representatives were unable to provide a detailed answer in respect of the existence of mixed sex wards. Although efforts on segregation were in place, these could be disrupted (e.g. in times of virus outbreaks);
- (k) A Member enquired as to what progress was being made in terms of combating hospital acquired infections. In response, representatives stated that infection control was treated as a serious matter and the PCT had experienced a significant drop in the number of cases of viruses such as MRSA. However, there was still felt to be scope for improvement (e.g. by screening patients at the point of admission and initiatives regarding visitors to the hospital) but a balance had to be struck between bio-security and an accessible hospital;
- (l) With regard to the promotion of healthy living, and in citing the example of the healthy walks initiative in South Hams which had been successful but required extra funding, a representative informed that schemes to stay healthy were part of the strategic plan, but that it would take some time to implement such proposals;
- (m) The PCT representatives requested assistance from the Council with regard to access problems to the Norton Brook Medical Centre in Kingsbridge. It had become apparent that vehicles were obstructing the access routes to the Centre, which was impeding deliveries of medical requirements. As a consequence, the Senior Partner at the Centre had asked for yellow line restrictions to be put in place. Whilst such highways issues were a Devon County Council (DCC) matter, Members agreed to pursue this matter with their DCC colleagues.

At the conclusion of the discussion, the Chairman thanked the representatives for their attendance and felt that such annual updates were invaluable.

SC.30/08 **SCRUTINY SHADOWING ROLES**

Members confirmed that they were kept fully briefed by their Executive counterparts, and continued to meet frequently.

SC.31/08 **AGENDA ITEMS FOR FUTURE MEETINGS OF SCRUTINY**

Scrutiny Group Meeting – 17 December 2008

Due to the number of items scheduled for consideration at this meeting, Members requested that this meeting formally start at 9.30am.

Tadpool

As agreed earlier in the meeting (SC.28/08 refers), Scrutiny wished for Tadpool representatives to be re-invited back to the scheduled Group meeting on 12 February 2009.

Sherford Update

Members requested a brief update on the proposed new community at Sherford at 12 February 2009 meeting.

Local Government Review

Scrutiny felt it would be pertinent to receive an update in respect of the Local Government Review at its 19 March 2009 meeting.

Tone Leisure

Members queried whether the Tone Leisure update, which was scheduled for the Scrutiny Group meeting on 19 March 2009, could be deferred to 23 April 2009 meeting. In response, officers advised that they would check whether this was possible and update the future work programme accordingly.

Devon PCT

Members expressed the wish for the Devon PCT to be invited back to provide their next annual update during either November or December 2009.

(Meeting commenced at 10.00 am and concluded at 1.00 pm).

Chairman