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HOUSE OF COMMONS
LONDON SW1A 0AA

27 July 2018

Proposed sale of the Emsworth Victoria Cottage Hospital

Dear Elaine,

I was very disappointed to learn this morning from social media that NHS Property Services Ltd (NHSPS) has placed the Emsworth Victoria Cottage Hospital (EVCH) on the market for sale. I responded immediately by contacting the Department of Health & Social Care who advised me to speak to both Nicola Booth and Dan Hotson, senior officials from NHSPS, to establish the facts and future process.

As the local MP for Emsworth I would have expected NHSPS to have given me advance notification of your intentions, and I would be grateful if you and your colleagues would notify me in advance about all future developments in relation to the EVCH's future going forward. I don't want to find out on Twitter after the event.

NHS Property Services' operational independence as the decision-maker

I accept that NHSPS is operationally independent from MPs like me and Department of Health & Social Care Ministers in relation to decisions about individual assets like EVCH so you can make decisions based on clinical, operational and financial grounds (rather than political ones). I further accept that NHSPS will ultimately make the final decision about the site's future. However, I would be grateful if you would remain engaged with me and local community groups who have an interest in this important local issue.

I have also noted that the doctors at the Emsworth Surgery – the GP and medical practice in Emsworth – have conclusively decided that they do not wish to use the EVCH as the site for their new proposed surgery building as they say it is clinically unsuitable, and that as a result South East Hampshire NHS Clinical Commissioning Group (CCG) has deemed the EVCH surplus to their needs, which has led to NHSPS moving to a sale process.

Asset of Community Value and Havant Borough Council

However, the EVCH has been registered with the local authority, Havant Borough Council (HBC), as an Asset of Community Value (ACV) under the Localism Act 2011 by the Friends of Emsworth Community Health (FECH), a local community group, on 19 May 2014.

As you will know, under the 2011 Act, if the asset owner (in this case NHSPS) wishes to enter into a "relevant disposal"/sale of the EVCH site, then they must first notify HBC of their intention. I understand from Nicola and James that this notification was lodged yesterday with HBC. This now triggers an "interim moratorium period" of six weeks, during which community interest groups may submit a written request to both NHSPS and HBC to be treated as a potential bidder in relation to the site. A "relevant disposal" cannot take place during this period.



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At the end of the six week period, and if no request to be treated as a potential bidder is received, NHSPS is entitled to go ahead with the sale, provided that it is completed within eighteen months of when they notified HBC of their wish to dispose.

If a request to be treated as a potential bidder is received within the six week period, the full moratorium period comes into play. This lasts for six months from the date of NHSPS' notice of a wish to dispose. Again, a "relevant disposal" cannot take place during this period.

I note that community interest groups have no rights other than to seek to negotiate to buy the land, and that NHSPS as the owner is under no obligation to sell to a community interest group.

If the full moratorium period expires either without a community interest group bidder coming forward, or without a successful purchase by such a group, then NHSPS as owner is entitled to go ahead with a sale, provided it is completed within eighteen months of when they notified HBC of their wish to dispose.

Request to withdraw NHSPS' sale notification – and to meet me and local community representatives

Since being elected in May 2015, I have been working hard and continuously to ensure that the long-term healthcare needs of Emsworth are secured. I will continue to work with the Emsworth Surgery's doctors, local councillors, NHS England and the CCG in relation to a new surgery building – a separate but related issue.

In relation to the EVCH site, I request that NHSPS immediately withdraws the notification it has given to HBC of its intention to sell the site, and withdraws all other notifications, adverts and other promotional material too.

This would provide time for NHSPS to properly engage with and consult Emsworth-based community groups with an interest in the site, and who may wish to individually or collectively organise themselves as bidders under the ACV process working with HBC.

Furthermore, I would like representatives from NHSPS to attend a roundtable meeting that I will organise and chair in Emsworth to meet and engage with representatives from local community groups and our elected councillors. Please let me know when relevant colleagues can attend such a meeting.

Given the interest in this matter, I am putting this letter into the public domain, and I would welcome a swift response.

Yours sincerely,

Alan Mak MP

CC:

- Daniel Hotson, Principal Transaction Manager (London & South England), NHS Property Services Ltd
- Nicola Booth, Senior Transaction Manager (Portsmouth Office), NHS Property Services Ltd
- Cllr Leah Turner, Cabinet Member, HBC, with responsibility for Assets of Community Value
- Nicky Conyard, Community Manager, HBC, with responsibility for Assets of Community Value
- Cllr Richard Kennett, Cllr Rivka Cresswell, Cllr Lulu Bowerman (Emsworth's councillors on HBC)
- County Cllr Ray Bolton (Emsworth's representative on Hampshire County Council)
- Dr. Barbara Rushton, Chair, South East Hampshire NHS Clinical Commissioning Group