

LONDON BOROUGH OF LEWISHAM

MINUTES of the joint meeting of the HEALTHIER COMMUNITIES SELECT COMMITTEE, MAYOR AND CABINET, and OVERVIEW & SCRUTINY BUSINESS PANEL which was open to the press and public, held on MONDAY, 10 DECEMBER 2012 at LEWISHAM TOWN HALL, CATFORD, SE6 4RU at 6.30 p.m.

Present

Healthier Communities Select Committee

Councillor Muldoon (Chair), Councillor Jeffrey (Vice-Chair) Councillors Beck, Fitzsimmons, Ibitson, Maines, Jacq Paschoud and Till.

Also Present

Val Fulcher

Mayor & Cabinet

The Mayor (Sir Steve Bullock)(Chair); Councillor Smith (Deputy Mayor) Councillors Best, Daby, Egan, Klier, Maslin, Millbank, and Wise.

Apologies for absence were received from Councillor Onuegbu.

Overview & Scrutiny Business Panel

Councillor Hall (Chair) Councillors Curran, Feakes, Fletcher, Foxcroft, Handley, *Muldoon*, Morrison and John Paschoud.

Also Present

Councillors Adefiranye, Allison, Brooks, De Ryk, Foreman, Long and Mallory.

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1. **Declarations of Interests** (page

Councillor Muldoon (Healthier Communities Select Committee and Overview & Scrutiny Business Panel) declared a personal interest as an elected governor of the South London and Maudesley Trust.

The Mayor and Councillor Wise declared personal interests as out patients at Lewisham Hospital.

Councillor Feakes declared a personal interest as his partner was employed by the South London and Maudesley Trust.

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Councillor Jacq Paschoud declared a personal interest as a member of a Health Trust and also in respect of her son's employment as a Staff Nurse in the A&E Department of Lewisham Hospital.

2. Response to the Consultation on the Trust Special Administrator's draft report

- 2.1 The Mayor introduced members to the joint meeting and accepted this item as a late report. He explained the late circulation of papers was a direct result of the TSA timetable which was very restrictive given the complex nature of the proposals. He said in his 36 years of public life he had never encountered an issue which had generated such grave public concern.
- 2.2 The background to, and an overview of the TSA consultation was then given by the Chief Executive, following which the Mayor invited members of all three bodies present to raise questions.
- 2.3 Councillor Maines asked if the hospital could be locally listed and whether it could be added to the Register of Community Assets. He also asked for confirmation of the status of the Kaleidoscope Centre. He went onto to point out the 'Picture of Health' recommendations had never been delivered and he asked if the community based Care Strategy could be fully integrated with Social Services.
- 2.4 The Executive Director of Community Services explained the Council was always prepared to work with the Hospital and CCG to develop community based services and prevent unnecessary admissions. However spreading a largely elderly client group with a complex range of problems over 4 hospitals would prove more difficult.
- 2.5 The Director of Children's Social Care confirmed Kaleidoscope had been transferred to the Hospital.
- 2.6 The Head of Law reported the Localism Act 2011 specifically excluded local authorities from adding buildings to the Register of Community Assets.
- 2.7 In terms of local listing, the Deputy Mayor said some of the hospital buildings were already listed but that this afforded very limited protection against development.
- 2.8 Councillor Wise asked if the Coroners Service formed part of the

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discussion and was informed by the Chief Executive that it did not but that there was to be a Londonwide review in any event.

- 2.9 Councillor Hall asked if the TSA had received proper legal advice from the Department for Health or from the Treasury prior to embarking upon this process. The Chief Executive said there were key legal and interpretative questions which required examination as it seemed as if the TSA had broadened his responsibilities beyond what was allowed by statute. The Head of Law confirmed the Unsustainable Provider Regime provisions were drawn very narrowly and that the guidance issued two days before the appointment of the TSA appeared to be much more widely drafted than allowed by the statutory framework.
- 2.10 Councillor Fitzsimmons asked about risk assessments on major incidents in the context of Lewisham lacking an A&E Department and was informed by the Mayor none had been done.
- 2.11 Councillor Jacq Paschoud added that she was concerned about any reduction in critical care and the implications for routine surgery that might go wrong.
- 2.12 Councillor Feakes asked if changes to commissioning would impact on Council services and if arrangements relied on hospitals bidding for work from commissioning bodies, would Lewisham be badly placed by having fewer opportunities to bid for. He also asked what risk modelling, financial and otherwise had been done or ought to be done.
- 2.13 The Executive Director for Community Services said she had been a non voting member of the CCG since it had been set up in shadow form. She had observed the planned way in which CCG delivered efficiencies and believed the CCG would work effectively to put commissioning plans into place. She confirmed any Health Inequality Impact Assessment prepared for the TSA had not been seen by the Council.
- 2.14 Councillor Curran said it seemed a well run hospital was being closed down to save a badly run Trust and he wondered if the Commissioning groups were being bought off. The Mayor said this was not a concern he held and the Chief Executive said the Council acted very collaboratively with the CCG which he felt was open and honest about the challenges being faced.
- 2.15 Councillor Ibitson highlighted the unprecedented level of public response and asked if the concerns raised by Councillor Fitzsimmons on major incidents could be factored in. The Mayor said the response was to a document on the terms it had set

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out, but the council was open to reflect its own concerns and point out questions that remain unanswered.

- 2.16 Councillor Maslin asked if other credible options had been excluded and whether it made sense to close the Queen Mary Hospital outright. The Chief Executive said for the SLHT to reduce its operating deficit it would require a productivity increase greater than any ever secured anywhere before in the NHS. He confirmed the North Kent NHS health economy and Queen Mary had not been mentioned.
- 2.17 Councillor Maines asked if there would be an independent clinical assessment of the Health Equality Impact by a body such as the Kings Fund. The Executive Director for Community Services said the TSA would employ Deloitte to assess all proposals and an Equalities Impact Assessment would take place after the decisions had been made.
- 2.18 Councillor Fletcher pointed out the Frontline report said respiratory conditions in Lewisham and asked if the impact of many more traffic movements necessitated by the diffusion of medical services across multiple hospitals could be registered as a concern.
- 2.19 Councillor Feakes asked which organisations formed part of the consensus reported on page 35 of the TSA report and was informed that this did not include the six affected local authority chief executive's.

Mayor & Cabinet decision making

- 2.20 The Mayor invited Councillor Best, the Cabinet Member for Community Services and Older People to sum up and offer her advice on the proposals. Councillor Best explained her concerns, thanked officers for their hard work in compiling the report and urged the Mayor to agree the recommendations.
- 2.21 Councillor Curran then proposed an amendment to the report which is shown in recommendation ii(c) below. The Mayor adjourned the meeting for 5 minutes so that he could confer with the Chairs of the Healthier Communities Select Committee and the Overview & Scrutiny Business Panel.
- 2.22 After receiving advice from the Head of Law that he was free to agree recommendations in whatever terms he wished, the Mayor accepted Councillor Curran's suggestions and also added additional references to the potential risk of air pollution and to the lack of consideration on the implications of coping with

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emergencies.

RESOLVED

That

(i) the views of the Council on this issue, as expressed at the meeting of 28 November 2012 be noted; and

(ii) the response at Appendix A be agreed subject to the following amendments:

ED Community

a) reference be made to the lack of any consideration being made on the implications of emergencies requiring A&E facilities;

b) reference be made to the potential health risks of air pollution caused by the proposals;

c) paragraphs 9.1 and 9.2 of Appendix A be deleted and replaced with the following:

9.1 The Council is opposed to the plans for Lewisham Hospital contained in the TSA draft report and recommendations due to the negative and detrimental impact on the health and welfare of the residents of Lewisham.

9.2 The TSA's draft report and recommendations undermine the existing strong and effective partnership arrangements that support people locally and risk causing a costly disintegration of services.

9.3 The TSA's attention is drawn to the key points 2.1 to 8.9 made in this report and is asked to give full and careful consideration to this response and the attached report from Frontline.

Healthier Communities Select Committee decision making

2.23

The Chair, Councillor Muldoon stated he believed the entire TSA process had been conducted in a hurry and recommendations had been framed without any scrutiny whatsoever. He reported he and his Vice-Chair had met Mr Kershaw, the TSA earlier in the day and had made their views known directly. He said he would attend a further meeting with Mr Kershaw the following day along with the Health Scrutiny

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Chairs of all the other affected boroughs.

2.24 The Chair made reference to the response of the Lewisham Healthcare Trust. The great strength of the partnership working between the Healthcare Trust, Lewisham Hospital and the Council did not seem to be valued properly in the TSA report. He concluded that whatever the outcome, future operation should be properly scrutinised and a stakeholder reference group should be in place to ensure any variations in provision were challenged.

2.25 Councillor Jeffrey added that paradoxically the TSA could be congratulated on having created enormous community cohesion in Lewisham. She observed SLAM had given more time and consideration to a suggestion to close one care home than the TSA had provided for these massive changes. She believed the TSA was acting beyond his powers and had produced a report that lacked detail and failed to address important questions.

2.26 Councillor Till then proposed and Councillor Jeffrey seconded the recommendations which were agreed unanimously by the Committee.

RESOLVED That

(i) the earlier decision of Mayor and Cabinet of 10 December 2012 be noted;

(ii) the views of the Council on this issue, as expressed at the meeting of 28 November 2012 be noted; and

(ii) the response at Appendix A be agreed subject to the following amendments:

ED Community

a) reference be made to the lack of any consideration being made on the implications of emergencies requiring A&E facilities;

b) reference be made to the potential health risks of air pollution caused by the proposals;

c) paragraphs 9.1 and 9.2 of Appendix A be deleted and replaced with the following:

9.1 The Council is opposed to the plans for Lewisham Hospital contained in the TSA draft report and recommendations due to the

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negative and detrimental impact on the health and welfare of the residents of Lewisham.

9.2 The TSA's draft report and recommendations undermine the existing strong and effective partnership arrangements that support people locally and risk causing a costly disintegration of services.

9.3 The TSA's attention is drawn to the key points 2.1 to 8.9 made in this report and is asked to give full and careful consideration to this response and the attached report from Frontline.

Overview & Scrutiny Business Panel decision making

The Chair of the Business Panel thanked Officers and the Mayor for their consideration of the proposals and said he would propose the recommendations which were seconded by Councillor John Paschoud and agreed unanimously.

(i) the earlier decisions of Mayor and Cabinet and the Healthier Communities Select Committee of 10 December 2012 be noted;

(ii) the views of the Council on this issue, as expressed at the meeting of 28 November 2012 be noted; and

(ii) the response at Appendix A be agreed subject to the following amendments:

ED Community

a) reference be made to the lack of any consideration being made on the implications of emergencies requiring A&E facilities;

b) reference be made to the potential health risks of air pollution caused by the proposals;

c) paragraphs 9.1 and 9.2 of Appendix A be deleted and replaced with the following:

9.1 The Council is opposed to the plans for Lewisham Hospital contained in the TSA draft report and recommendations due to the negative and detrimental impact on the health and welfare of the residents of Lewisham.

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9.2 The TSA's draft report and recommendations undermine the existing strong and effective partnership arrangements that support people locally and risk causing a costly disintegration of services.

9.3 The TSA's attention is drawn to the key points 2.1 to 8.9 made in this report and is asked to give full and careful consideration to this response and the attached report from Frontline.

At the conclusion of the joint meeting the Mayor thanked all officers and members for their attendance and said he was sure if the TSA could not be swayed from his intentions, the Council would return to the issue.

The meeting ended at 8.12pm.

Chair