

# New Hospital Campaign

**NHC**

For *real* transformation in West Hertfordshire

**NHC MEDIA RELEASE 06/01/21**

## **FIGHT FOR NEW HOSPITAL GOES ON DESPITE JUDGE'S RULING**

### **Legal challenge only dealt with issues of procedure**

The New Hospital Campaign (NHC) will continue the battle to secure a new A+E hospital in west Hertfordshire despite a High Court judge having ruled that the local health bodies acted lawfully by refusing a public consultation on their plans in 2019.

Nonetheless, the High Court did acknowledge that the NHC was not given access to the full calculations and projections used to estimate the cost of the new build options, and recognised that NHC's contribution to the debate about the rejection of those options could have been more fully informed than it was, had the NHC and others been given that information or if our requests for meetings with the local health bodies had been granted.

Regrettably, the High Court concluded that the legal duty was simply to "involve" the public, and not formally consult them, so such deficiencies did not amount to legal errors.

However, the High Court remarked that the 2019 decisions were not set in stone and the financial position may have altered since then. It further repeated the principle of public importance that decision makers arrive at decisions lawfully and are held to account by the court if they do not, which of course applies to any future decisions made about hospital redevelopment plans.

A NHC spokesperson said "Of course we are surprised and disappointed by the judge's decision but it's vital to understand this was **not** about whether it is better to keep patching up the current Vicarage Road site in

Watford or to go for a central, clear site for a new hospital fit for the coming decades. It was purely about the process used to reach two decisions that were made a year and a half ago. The processes used by the local health bodies in the next decision stage in 2020 have been even more deficient but they could not feature in the legal case”.

The NHC recently commissioned an independent report from a specialist construction specialist. His report shows clearly that building on a fresh central site would be far quicker than making the kinds of improvements the West Herts Hospitals Trust (WHHT) have in mind at the cramped Vicarage Road site. It concludes that a new emergency care hospital on a new site could be built up to three years sooner than the Trust’s favoured option of a mixture of demolition, refurbishment and some new build at Watford General. That is hugely significant because speed of delivery was the one issue on which the Trust wrongly ruled out new site options in October. We are attaching our last media release which gives full details of the report and provides a link to it.

The Trust have also unfairly compared their proposals, under which planned care at St. Albans and Hemel Hempstead will get only minimal improvements, with fresh site options based on ‘complete new build’, which would of course be more expensive. There needs to be a proper like-for-like comparison which has not taken place. That would mean considering an emergency and specialist hospital on a new site with planned care remaining at their existing sites in St. Albans and Hemel.

We also think a fresh site could provide space for the planned relocation of specialist cancer services currently provided at Mount Vernon Hospital. West Hertfordshire seems to be considered the most suitable location for this given the large Mount Vernon catchment area including Hertfordshire, Bedfordshire, parts of Northwest London and the Thames Valley. We cannot imagine how it could possibly be fitted into the space available around the Vicarage Road site as has been suggested.

The NHC spokesperson continued “We would like to thank all those members of the public who donated to our crowdfund for the legal case in 2019. In October of that year the High Court gave us permission to proceed with the challenge which showed there was a case to answer. We are very pleased that the two-day hearing last October could be viewed remotely by all interested members of the public. We thank our excellent legal team from Leigh Day working with David Wolfe QC and Emma Foubister of the Matrix Chambers.

“There has not been a full public consultation about hospital redevelopment in our area since 2007. We need one now, and it must include new site options. A substantial majority of the respondents to the Trust’s online survey last September disagreed with the proposed short list which excluded all new site options. Building on the existing site will involve years of disruption just when we are trying to recover from the pandemic. A solution based on a clear site in a central, accessible location would be so much quicker and safer as well as providing much greater flexibility for the future”.