

Report for: **Cabinet Member for Corporate and Civic Services Cllr Matthew White**

Item number:

Title: **Inter-authority pan London legal agreement for a temporary Mortuary agreement**

Report authorised by : **Stephen McDonnell -Director of Environment and Neighbourhoods**

Lead Officer: **Gavin Douglas 02084894928 gavin.douglas@haringey.gov.uk.**

Ward(s) affected: **All**

**Report for Key/
Non-Key Decision: Key**

1. Describe the issue under consideration

For the London Borough of Haringey to agree to enter into a pan London inter-authority agreement for temporary mortuary facilities as part of the plan for a potential Covid 19 second surge.

2. Cabinet Member Introduction

N/A

3. Recommendations

For the Cabinet Member for Corporate and Civic Services to agree:

- i) To the Council entering into a legal inter-authority pan London agreement as detailed in exempt Appendix 2 for temporary mortuary (storage) facilities and services between all London Boroughs until March 2021, and to delegate authority to the Director of Environment and Neighbourhoods to approve the final agreement; and
- ii) for Westminster City Council to be the lead authority for contractual services required; and
- iii) for London Borough of Camden to hold and administer the finances into a Sink Fund; and
- iv) Payments be made as required to the Sink Fund for Haringey's contribution of cost, with the first payment of £485,964 to be made by 4th September 2020.

4. Reasons for decision

- 4.1 Modelling based on Government data has been carried out planning for a second surge of Covid-19 deaths and estimates the required storage capacity in temporary mortuary facilities needed within London.

- 4.2 This modelling has taken into account the existing provision of storage at Hospitals, Private Funeral Directors and Public Mortuaries and, depending on a number of arrangements and circumstances, concludes that there is a need to plan for an increased capacity at the peak of a potential second surge across London. This modelling takes account of all excess deaths.
- 4.3 As a result of this need, the Leaders of City of Westminster and the London Borough of Camden have requested that pan London storage facilities are set up to manage this demand. See Appendix 1. Such an arrangement was carried out in wave 1 as part of Emergency planning.
- 4.4 A legal agreement has been drafted for all boroughs to consider for Westminster City Council to enter into the necessary contractual arrangements for pan-London temporary mortuary provision and undertake the mortality management function, and for London Borough of Camden to hold and administer the sinking fund, thus taking responsibility for ensuring finances are secured. See exempt Appendix 2.

5. Alternative options considered

- 5.1 The urgent request for the pan London agreement follows on from the wave 1 management of mortality across London. Coronial jurisdictions areas (in our case Brent, Harrow, Enfield and Barnet) had been asked to consider what local arrangements could be made to support the mortality storage needs across London. The need identified from modelling has already taken account jurisdiction storage and plans that have been implemented by September 2020. This included the proposed use of MHCLG portacabins for storage, which Haringey has already responded to and installed a portacabin onsite at Tottenham Mortuary. Site location is very sensitive, meaning there are very few suitable options. All other options are smaller and local, and are still at the feasibility stage, requiring detailed planning before they can be considered. These local options include:
- 5.2 Marsh Lane N17
The Marsh Lane Tottenham site used in Wave 1 for a temporary structure is no longer available and has therefore been ruled out.
- 5.3 Old Finchley Mortuary site
Some feasibility has been carried out at Finchley Mortuary site, but substantial groundwork needs to be carried out before it can be used, and there are serious logistical issues regarding access to the site. It is possible that this site can be used for a more local need, but at present this is not a viable option in the short term.
- 5.4 Private Funeral Director
There is only one private Funeral Director locally we are aware of who is offering substantial allocation for storage space. This may be a useful additional consideration, particularly to support any local needs on top of the pan London agreement. There is a requirement for a one-year contract, and transport costs

would have to be included. This option does not give a pan London approach which is likely to have additional benefits in providing improved dignity and respect to the deceased and support to their families. If Haringey were to pursue this as a standalone provision there would be considerable governance, family liaison, transportation and logistical tracking requirements to be implemented. Whilst there is some expertise there is a risk that resources within existing mortuary structures (e.g. Tottenham) would be at risk of being over stretched.

6. Background information

- 6.1 The inter-authority legal agreement will provide the necessary assurance for Westminster City Council and London Borough of Camden to secure the provision of temporary mortuary facilities and the mortality management function on a pan-London basis.
- 6.2 The proposal is to commission two storage facilities at sites used before outside of Haringey in the North and South of London.
- 6.3 London wide arrangements were made during the first wave. This was done as part of pandemic emergency planning response to a rapidly changing situation and was unprecedented. As part of this first wave approach, the Council built a temporary mortuary facility at Marsh Lane, Tottenham, which was decommissioned at the end of June 2020. The future legal agreement ensures clarity and assurance that there is a planned documented legal governance and finance agreement with all London Boroughs.
- 6.4 It is on the basis of the required temporary mortuary capacity that the pan-London cost has been calculated and apportioned per capita, per local authority according to the latest Office of National Statistics.
- 6.5 Costs include storage and transportation.

7. Contribution to strategic outcomes

The Local Authorities ability to show dignity and respect to the deceased is paramount and underpins many corporate policies and plans. It is also of significant importance to many faiths, religions and respect must be given to all grieving families.

The Local Authority has a responsibility to support the needs of its community and ensure that Public Health is maintained.

Priority 2 – People

Our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential

- All adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities
- Strong communities where people look out for and care for one another

The approval helps in particular to underpin our commitment to ‘People’ and ‘Place’ in the Borough Plan.’

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

8.2 This report seeks approval for the Council to enter into a pan London agreement for temporary mortuary facilities, where Westminster will be the lead authority, for contractual activities and Camden the lead in Fiduciary duties. In practice this means that Camden will hold funds on behalf of all boroughs (referred to as the ‘sink-fund’), and will recompense Westminster on monthly basis for any costs incurred in procuring mortuary storage on behalf of all boroughs. There are oversight arrangements in place to review spend, and this will be reported to Leaders and Chief Executives on a monthly basis.

8.3 If Haringey enters into the agreement, a payment of £0.486m by 4th September 2020 is requested by Camden, which is our initial contribution to the sink fund.

8.4 Haringey will fund this expenditure, which clearly relates to Covid-19 activities from the emergency funding provided by the Government. These arrangements are being put in place, in order to deal with the impact that a second wave of Covid-19 would have on London as a whole.

8.5 It is possible the Council will be refunded some of the initial £0.486m contribution (with interest), if spend is less than currently anticipated. The future of this arrangement and whether there will be a requirement for it to continue beyond March 2021 will be reviewed in January 2021.

8.6 The previous approach has been for individual coronial districts to procure mortuary facilities: Haringey procured a temporary mortuary as part of the coronial district at a cost of £0.680m.

8.7 The total temporary mortuary costs for LB Haringey in 2020-21 is estimated to be £1.235m. The Council will be increasing its claim for additional emergency grant funding from the Government which will be reported in the next MHCLG return.

8.8 It is reasonable and rational to anticipate that procuring facilities jointly on a pan London basis will secure better value for the boroughs. Therefore, considering the Council’s previous approach, a Pan London arrangement would appear to be the most financially beneficial option for Haringey to meet its statutory duties.

8.9 Procurement

8.10 Strategic Procurement note the contents of the report and that the report does not concern the award of a contract for the provision of good or services.

8.11 The report seeks approval for the Council to make the first contribution to a pan London Sink Fund for the provision of temporary mortuary (storage) facilities as part of the plan for Covid 19 second wave. Haringey’s contribution to the Sink

Fund shall be increased by such amount as Westminster acting reasonably may stipulate and this may be repeated on any number of occasions and for any number of further periods and further sums.

8.12 Westminster will lead on procurements required in this provision and it is understood that these will be undertaken in accordance with Westminster's Contract Procedure Rules and Public Contract Regulations. It should be noted that Haringey will be jointly responsible with other parties to the agreement for reimbursing Westminster for the costs it incurs in the defence and settlement of any claim related to procurements made under scope of the pan London agreement.

8.13 Strategic Procurement have no objections.

8.14 Legal

8.14.1 The Assistant Director of Corporate Governance has been consulted in the preparation of the report.

8.14.2 Pursuant to Contract Standing Order 16.02 the Cabinet Member for Corporate and Civic Services has authority to approve the recommendations in the report.

8.14.3 The Assistant Director of Corporate Governance sees no legal reasons preventing the Cabinet Member for Corporate and Civic Services from approving the recommendations in the report.

8.14 Equality

8.15 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

8.16 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

8.17 The proposed decision is to agree to enter into a pan-London inter-authority agreement for temporary mortuary facilities in order to ensure that there is access to the required storage capacity in the event of an increase in Covid-19 cases in the winter. Expanding mortuary capacity represents a measure to maintain public health and can therefore be expected to benefit all Haringey residents. Operationally, this will have due regard for the needs of the protected groups.

9. Use of Appendices

Appendix 1 Letter to the leader of Haringey from leaders at LB of Camden and Westminster City Council.

Exempt Appendix 2-Pan London Mortality Management Future report dated 24 August 2020 and Inter Authority Agreement-pan London Mortality Management

10. Local Government (Access to Information) Act 1985

Exempt Appendix 2- Pan London Mortality Management Future report dated 24 August 2020 and Inter Authority Agreement-pan London Mortality Management

Exempt Appendix 2

Not for Publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

This document is **not for publication** as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding the information).

Pan London Mortality Management Future report dated 24 August 2020 and Inter Authority Agreement-pan London Mortality Management