

| | |
|--|---|
| DECISION-MAKER Leader of the Council | DATE 16/02/2022 |
| TITLE: London-Wide Mortality Management Inter-Authority Agreement | WARD (S) All |
| CHIEF OFFICER Director of Communities, Environment and Central | CABINET MEMBER Culture, Communities & Equalities |
| DECISION CLASSIFICATION Key - Added to Forward Plan on 08/11/21 Subject to call-in Non-exempt report | IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes |

1. Decision required

This report makes the following recommendations to the decision-maker:

- 1.1 That approval be granted for the Council to enter into an inter-authority legal agreement which commits all London local authorities to fund the temporary mortuary provision to May 2021 and to provide funds to support the Excess Deaths Partnership (EDP) to May 2022, with contingency to extend to March 2023 (“the IAA”); and
- 1.2 That the Director of Communities, Environment and Central be authorised to conclude the detailed terms of the IAA, in consultation with the Director of Finance and the Director of Legal and HR.

Signed.....
Councillor Danny Thorpe, Leader of the Council

2. Links to the Royal Greenwich high level objectives

- 2.1 This report relates to the Council’s agreed high-level objectives as follows:

A Healthier and Safer Greenwich

- The parties who formulate the IAA have common public function in relation to the planning, management of and the response to any Excess Deaths Event in London and wish to co-operate with each other for the achievement of their common objectives and the optimal performance of the functions across London.
- To ensure the dignity of the deceased is maintained during the excessive death situation across London and provide additional body storage facilities to all members when local capacity has expired.
- To ensure the EDP remains an active support for the Death Management Process until May 2022, with a contingency included to extend to March 2023, dependant on Covid-19 mutation and transmission.

3. **Purpose of Report and Executive Summary**

- 3.1 This report outlines the contribution required from Royal Greenwich to meet the costs of London-wide temporary mortuary provision and mortality management during the Covid-19 crisis.
- 3.2 The report seeks approval to sign an inter-authority legal agreement (the IAA) which commits London local authorities to fund temporary mortuary provision to May 2021. The IAA also reflects London Councils Chief Executives' aspiration, subject to formal decisions of the Councils, that £2.5 million of the sinking fund would be retained to fund the Excess Deaths Partnership (EDP) until May 2022 with the potential of a 10-month extension period to March 2023.

EDP functions

- Support the development of the medium-long term excess death London wide strategy & practical operational planning
 - Provide overall coordination, monitoring & assurance of storage capacity across London including coordinating the pan-London storage
 - Continue the development of the data & Intelligence function
 - Implement the lessons learnt from wave 2 and drive forward the opportunities for continuous improvement
- 3.3 This will enable the Council to pay our proportion of the Pan London mortality management costs into the London Borough of Camden's sinking fund in preparation for continuing waves of Covid-19 deaths.

4. **Introduction and Background**

- 4.1 This report deals with the ongoing Covid-19 Pandemic.
- 4.2 Subject to the formal decisions of the Council the 33 Leaders and Chief Executives of the London local authorities wish to fund the provision of temporary mortuary facilities and the mortality management function on a pan-London basis during the pandemic.
- 4.3 This approach has been based on the current modelling assumptions for a second wave of COVID-19 deaths. The modelling estimates excess death levels and indicates that additional temporary mortuary capacity is required.
- 4.4 Each local authority has been requested to sign an inter-authority legal agreement (the IAA) which commits London local authorities to continue to fund the temporary mortuary provision to May 2021.
- 4.5 London Councils Chief Executives wish, subject to formal decisions of the Councils for £2.5 million of the sinking fund to be retained to fund the EDP until May 2022 with the potential of a 10-month extension period until March 2023. The May 2022 long stop date with potential to extend by 10 months to March 2023 is reflected in the IAA.
- 4.6 Westminster City Council (WCC) and the London Borough of Camden (LBC) agreed to oversee these pan-London arrangements on behalf of all London boroughs. However, it remains a shared responsibility which will require the participation and commitment of all boroughs if individual and collective responsibilities are to be met.
- 4.7 Under the proposed governance arrangements:
- WCC will be responsible for the mortality management function, which will report to WCC's Chief Executive.
 - WCC will rely on the provisions of regulation 32(2)(c) of the Public Contract Regulations in order to conclude purchasing arrangements and will liaise directly with the Department for Levelling Up, Housing and Communities ("DLUHC", formerly known as the Ministry for Housing, Communities and Local Government) and the Cabinet Office regarding the mortality management function.
 - WCC will enter into the necessary contractual arrangements for pan-London temporary mortuary provision and undertake the mortality management function.

- LBC will hold and administer the sinking fund, taking responsibility for ensuring finances are secured.
- Expenditure will be vetted by a Finance Oversight Cell which has now been established as part of the transition management arrangements.
- WCC will ensure that all London local authorities are briefed about the decision-making and finances of mortality management, so there is transparency on how decisions were made. This briefing will be made through a monthly report to London local authority Leaders and Chief Executives.

- 4.8 The request for the pan London agreement followed the wave one management of mortality across London. Coronial jurisdictions areas (in our case the Royal Borough of Greenwich, Lambeth, Lewisham and Southwark) had been asked to consider what local arrangements could be made to support the mortality storage needs across London. The need identified already considers the jurisdiction, storage and the plans implemented by September 2020. This included the proposed use of DLUHC portacabins for storage, which RBG responded to and installed two portacabins onsite at the Greenwich Public Mortuary (GPM) increasing capacity by 120. Total capacity is currently 247.
- 4.9 The EDP has informed RBG that it will no longer pay for the DLUHC units as from 8th November 2021 and additional funding needs to be sourced, discussion is underway with Central Finance. The EDP have relocated one NHS Unit to the GPM, this requires adaptations to be fit for purpose. A cost comparison and other alternatives are being explored to create a suitable way forward.
- 4.10 The cost to London local authorities is currently estimated to be £16,150,000. This covers the period through to May 2021. The data on which costs have been calculated is based on the government's realistic worst-case scenario for a second surge of COVID-19 in London. The costs to the Royal Borough of Greenwich £623,100 as of July 2020 and additional costs of £523,417 paid in Oct 2020, total £1,147m.
- 4.11 In accordance with clause 2.2 of the previous IAA signed in 2020, the London Borough of Camden issued a surplus to each authority following the agreement to exit the IAA arrangement and create the EDP. RBG received a surplus of £312k from the sinking (LBC), RBG total costs £835k.

5. **Available Options**

- 5.1 Option 1 - sign the new inter-authority legal agreement which commits all London local authorities to fund the temporary mortuary provision up to May 2021 and which also provides funds to support the EDP to May 2022, with contingency to extend to March 2023.
- 5.2 Option 2 – don't sign the new inter-authority legal agreement and make alternative arrangements.

6. **Preferred Option**

- 6.1 Option 1 is the preferred option.

7. **Reasons for Recommendations**

- 7.1 If Option 1 is agreed, it will provide the Council with the resilience of a pan London support network approach and prevent a standalone provision. This will place the Council in the best position to deal with further waves of Covid-19 deaths and provide support to the EDP to actively support the Death Management Process until May 2022, with a contingency included to extend to March 2023, dependant on Covid-19 mutation and transmission.

8. **Consultation Results**

- 8.1 No consultation has taken place with service users. However, the proposals arise from close collaboration between the Leaders and Chief Executives of London local authorities.

9. **Cross-Cutting Issues and Implications**

| Issue | Implications | Sign-off |
|---|--|---|
| Legal including Human Rights Act | Under section 198 of the Public Health Act 1936, a local authority may, and if required by the Secretary of State for Health must, provide mortuary and post-mortem facilities. Section 111 of the Local Government Act 1972 provides powers for a local authority to do anything (whether or | Eleanor Penn, Assistant Head of Legal Services (Planning & Procurement), 1 st February 2022 |

| | | |
|--|--|--|
| | <p>not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.</p> <p>Section 1 of the Localism Act 2011 provides the Council with the power to do anything that individuals generally may do. This power extends to doing things that an individual may do which are unlike anything that the Council currently, or public bodies do. The Council may exercise this power for, or otherwise than for, the benefit of the authority, its area, or persons resident or present in its area. This general power is limited by any restrictions in any existing or future legislation.</p> <p>Regulation 12(7) of the Public Contracts Regulations 2015 (PCR 2015) provides that an agreement concluded between two or more contracting authorities shall not be deemed to be a public contract (and thus subject to procurement) where all of the following apply:</p> <ul style="list-style-type: none">(a) the contract establishes or implements a co-operation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;(b) the implementation of that co-operation is governed solely by considerations relating to the public interest; and | |
|--|--|--|

| | | |
|---|---|--|
| | <p>(c) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the co-operation.</p> <p>From the information detailed in the report, the conditions outlined above are met, enabling the Council to enter into an inter-authority agreement with WCC and other London Boroughs pursuant to Regulation 12(7) of the PCR.</p> <p>Under the Responsibility for Functions section (Part 3) of the Council's Constitution, this decision would normally be taken by Cabinet. However, by notice dated 1st February 2022 the Leader varied the scheme of delegation in Part 3 of the Council's Constitution and withdrew the delegation to Cabinet in respect of the decision pursuant to this report in order to allocate the decision to himself. Accordingly, the Leader is authorised to agree the recommendations in paragraph 1.</p> | |
| <p>Finance and other resources</p> | <p>This report seeks approval to sign an inter-authority legal agreement (the IAA) which commits London local authorities to fund temporary mortuary provision to May 2021. The IAA also reflects London Councils Chief Executives' aspiration that £2.5million of the sinking fund would be retained to fund the Excess Deaths Partnership (EDP) until May 2022 with the potential of a 10-month extension period to March 2023.</p> <p>The cost to London local authorities is currently estimated to be £16,150,000.</p> | <p>Michael Bate Assistant Director of Corporate Finance 05/01/22</p> |

| | | |
|--------------------------|---|---|
| | <p>This covers the period through to May 2021. The data on which costs have been calculated is based on the government's realistic worst-case scenario for a second surge of COVID-19 in London. The costs to the Royal Borough of Greenwich £623,100 as of July 2020 and additional costs of £523,417 paid in Oct 2020, total £1,147m. This is unbudgeted expenditure and is included in the return to Central Government capturing the additional costs to the Council arising from the Covid-19 Pandemic. Costs arising from any potential extensions will need to be identified and reported to Central Government.</p> | |
| <p>Equalities</p> | <p>The contribution that the recommendations of this report makes to the Council's Equality and Equity Charter and the Council's Equality Objectives 2020-2024 is set out as follows:</p> <p>Commitment to making a real difference.</p> <p>The GPM carries out mortuary provision under the jurisdiction of the Inner London South Senior Coroner.</p> <p>A Post Mortem is requested by the Senior Coroner to confirm the cause of death and in turn provides a definitive conclusion for families where uncertainty exists.</p> <p>When specific concerns relating to religion or cultural needs arise these are discussed with the coroner service. The Coroner service then pass on the</p> | <p>Darren Gregory Bereavement Services Manager 02/11/2021</p> |

| | | |
|------------------------------|--|---|
| | <p>families concerns and seeks support from the GPM staff. The staff ensure they listen and understand the diverse needs of all to prevent any inequalities or disrespect to the families whilst upholding the Human Tissue Authority licencing regulations and the dignity of the deceased.</p> <p>The GPM can accommodate identification viewings via the coroner service thus creating a fairer borough through promoting inclusion, participation and equal access for all.</p> <p>As an organisation we form part of the Coroner's Consortium along with Lewisham, Lambeth and Southwark where the services carried out are for the bereaved families within those boroughs. This means we regularly work with our partners; Police, NHS, Coroner Services, other LAs to ensure our information, services and products remain accessible and inclusive.</p> | |
| <p>Climate Change</p> | <p>In 2020 the Greenwich Public Mortuary received a new boiler system. The reasons for replacing the boiler plant at the Mortuary was to support the Boroughs green initiative goals to help lessen the carbon footprint across the Borough while improving on-site services to one of our high-profile sites. Modern day boilers with 94% efficiency, 94% of the energy used by the boiler goes to heating the area, only 6% is 'lost'/used to run itself. For older boilers with 60% efficiency, only 60% of the energy used by the boiler, 40% is lost, adding this with the upgrade in Building Management System (BMS) this will</p> | <p>Ron Ball, Mechanical Contracts Manager. 04/11/21</p> |

| | | |
|---------------------------------------|--|---|
| | also help keep down carbon emissions to minimum while improving plant operation. | |
| Procurement & Social Value | There are no direct Procurement Implications arising from this report. | Michael Bate Assistant Director of Corporate Finance 15 December 2021 |

10. **Report Appendices**

10.1 The following documents are to be published with and form part of the report:

- None

11. **Background Papers**

- Inter-Authority Agreement for Programme for London Excess Deaths Partnership.

Report Author: Darren Gregory Bereavement Services Manager
Tel No. 020 8921 6701
Email. Darren.gregory@royalgreenwich.gov.uk

Reporting to: Dawn Squires – Head of Parks, Estates & Open Spaces
Tel No. 020 8921 4133
Email. dawn.squires@royalgreenwich.gov.uk

Reporting to: Adrian Ash – Assistant Director of Environment
Tel No. 020 8921 3033
Email. Adrian.ash@royalgreenwich.gov.uk

Chief Officer: Mirsad Bakalovic – Director of Communities, Environment and Central
Tel No. 020 8921 6101
Email. mirsad.bakalovic@royalgreenwich.gov.uk