

Cabinet – 15 July 2020

Regional Temporary Mortuary Facility

Portfolio: Councillor Bird, Leader of the Council

Related portfolios: Councillor Perry, Communities, leisure and culture

Service: Resilience Unit

Wards: All

Key decision: Yes

Forward plan: No

1. Aim

- 1.1 To consider the future of the regional temporary mortuary facility (the 'Temporary Regional Mortuary') located at Birmingham Airport and recommend an option to Cabinet to align the Council with the six local authorities within the West Midlands conurbation and Warwickshire County Council (the 'Partner Councils') to extend the operation of the facility beyond its current end date of 4 September 2020. This option will ensure that all Partner Councils are in agreement with its future use in readiness for any further waves of Covid-19.

2. Summary

- 2.1 Covid-19 presented potential extreme excess death pressures across the country. The Partner Councils agreed in March 2020 to activate a regional mortuary located at Birmingham Airport, to support their managing this pressure.
- 2.2 Due the urgency of the requirements, approval was sought from Helen Paterson, Chief Executive and Councillor Mike Bird, Leader of the Council, on 25 March 2020, to enter into a Memorandum of Understanding with the Partner Councils to contract with Kenyon International Emergency Services, for the provision of the Temporary Regional Mortuary. Sandwell MBC led on contractual arrangements.
- 2.3 The Temporary Regional Mortuary was commissioned in March 2020. After approximately 4 weeks of operation it became apparent that the number of deaths across the region were not at the level anticipated. Therefore, to address concerns over the level of use and costs of operating the facility, a Regional Mortuary Working Group was commissioned to evaluate future options, in particular a more cost-effective approach that maximises the investment made. The Council had representation on this group.

- 2.4 The Regional Mortuary Working Group, which had representation from Birmingham City Council, City of Wolverhampton Council and Walsall Council, drew upon its own expertise and long experience dealing with death management and in resilience to review options, maximise the purchased assets and ensure the region remains able to manage any future pandemic waves.
- 2.5 This report should be read and considered in conjunction with the 'Regional Temporary Mortuary Facility' Private Session Agenda report to be presented to Cabinet on the same date as this report.
- 2.6 This is a Key Decision because it exceeds the significant threshold for expenditure.

3. Recommendations

That Cabinet:

- 3.1 Note the urgent action waiver taken on 25 March 2020, by the Chief Executive, in consultation with the Leader, to enter into a Memorandum of Understanding with the six other West Midlands councils and Warwickshire County Council to contract with Kenyon International Emergency Services, for the provision of a temporary mortuary facility to manage excess death planning, for an initial period of up to 20 weeks from 26 March 2020.
- 3.2 Approve the award of a contract to Kenyon International Emergency Services to continue delivery of the temporary regional mortuary with a reduced operation for up to the end of February 2021, in accordance with Option 5, as set out in this report and the attached private paper, which is the West Midlands Chief Executives' preferred option.
- 3.3 Note that the costs of Option 5, as set out in the private paper, can be accommodated from the original financial envelope set aside, noting that this cost is being set against the Government's unringfenced Covid-19 response fund.
- 3.4 That the Executive Director, Economy, Environment and Communities, in consultation with the Leader, be authorised to sign contracts or contract variations and any other related documents for the continued operation of the temporary regional mortuary and to agree any minor variations to the contractual arrangements or other related documents should this be required throughout the duration of provision.

4. Report detail – know

- 4.1 In March 2020 the World Health Organisation declared a pandemic in relation to a coronavirus infection (Covid-19). At the time cases were beginning to emerge in the UK, while across the European continent cases and deaths were being reported daily, particularly in Spain and Italy.
- 4.2 Both locally and nationally the number of cases of Covid-19 were being modelled as to the likely impact on the Region. The Regional Excess Deaths Working Group based forecasts of deaths on national data produced by SAGE and recommended

that a regional facility be constructed consisting of a triage/ mortuary facility, chilled storage and freezer storage. This was agreed and funded by the Partner Councils. The funding covered a lease with Birmingham Airport for two hangars and adjacent land, the construction of the facility, facilities management services the leasing of a temporary structure for a period of 20 weeks ending on 4 September 2020, and the purchase of insulation materials for lining the hangars, freezer and chiller units, racking and body boards.

- 4.3 On 25 March 2020 an urgent action waiver was approved by the Council's Chief Executive in consultation with the Leader of the Council to enter into an agreement for the setting up of the Temporary Regional Mortuary.
- 4.4 Partner Councils entered into Memorandum of Understanding on 26 March 2020, with Sandwell MBC leading on all contractual matters and construction issues.
- 4.5 The site became operational on 18 April 2020, with resourcing being provided by Sandwell MBC, the West Midlands Police, Warwickshire Police, the NHS and Birmingham CC, with support from the seconded Military Planners.

Context

- 4.6 Due to the approaching contract expiry date, 4 September 2020, the Partner Councils considered it appropriate to review and consider the future of the facility. One of the areas taken into consideration was the use of the facility over the intervening months up to early September 2020.
- 4.7 Planning assumptions were based upon the figures being reported at the time provided by Public Health England. As the facility had not been required to be used to its fullest extent it was considered appropriate to review its future use.
- 4.8 The West Midlands Chief Executives Group asked the Regional Mortuary Working Group to look at the various options available.
- 4.9 On 12 June 2020 the Regional Mortuary Working Group submitted a report, 'The Future Strategy for Temporary Regional Mortuary' outlining the eight options to the Chief Executives Group for consideration. This report is contained within the private section of the agenda because it contains information regarding the financial and business affairs of others.
- 4.10 Chief Executives of the Partner Councils met, on 17 June 2020, to discuss the following eight proposed options for the future of the facility:

Option 1: The Temporary Regional Mortuary is taken over by another party/ other parties and becomes a National Facility;

Option 2: The Temporary Regional Mortuary reduces its services and closes, selling off any equipment owned by the Local Authorities by 4 September 2020;

Option 3: The Temporary Regional Mortuary closes, storing equipment somewhere within the West Midlands/Warwickshire area, by 4 September 2020;

Option 4: The Temporary Regional Mortuary is closed, with equipment being redeployed into Business as Usual activity, to allow for any future shared mortuary facility, support across the wider West Midlands death pathway and allow potential short term enhanced freezing capacity supporting any future COVID-19 waves;

Option 5: The Temporary Regional Mortuary continues with a reduced operation for a defined longer term (maximum one year from end March 2020 due to the rental of the hangars at the Airport.) The operational side of the site would have to cease in February 2021 for the dismantlement of the equipment to ensure everything is off site by the 26 March 2021. Funding for beyond 4 September is identified, allowing for necessary response to any future waves;

Option 6: The Temporary Regional Mortuary reduces its service to freezer storage (mode shift) only until 4 September 2020, with temporary escalation capability in the event there is a second or third wave prior to that date;

Option 7: Full and immediate cessation of the regional facility forthwith, either selling or reusing owned assets; and

Option 8: West Midlands Police indicated there is an additional option, which is to include a freezer left in situ and working with minimum staffing. It is turned off and left in situ for the duration of the 12-month lease.

- 4.11 The West Midlands and Warwickshire Chief Executives considered all eight options and having consulted with their Leaders, proposed option 5 as their preferred option. As the Lead Authority on this matter, it is proposed that Sandwell MBC will take this forward through to March 2021.

Council Corporate Plan priorities

- 4.12 As a local authority, Walsall Council has a statutory duty to deliver specific services within the borough boundaries for all people and communities in Walsall. The Council fully adopted the Marmot principles in the development of the Corporate Plan, Vision, Purpose and Priorities. COVID-19 presents additional challenges to the delivery of our vision that “inequalities are reduced and all potential is maximised”. It is integral to the delivery of our vision and purpose in the service of the borough that all aspects of the management of the impact of COVID-19 on individuals and communities is efficiently, effectively and sensitively managed.

Risk management

- 4.13 As part of the review of the mortuary a SWOT (strengths, weaknesses, opportunities, threats) analysis has been undertaken by the Regional Mortuary Working Group. A key aim in making a decision is to manage the risk of any future waves of the virus. The provision of existing (business as usual) freezer capacity is insufficient to meet the demands posed by a pandemic. Option 5 was collectively considered the most appropriate option to take forward. Not entering into such an arrangement could have significant risk to the region and the Council, including public health risks and reputational risks. This option ensures that there is sufficient capacity regionally should there be a second wave.

Financial implications

- 4.14 The initial contract costs and Walsall's share are based on population. Costs to date are under the original budget envelope set aside as services have been scaled down, as demand for use of the facility has diminished.
- 4.15 The Future Strategy for Temporary Regional Mortuary report sets out 8 options and cost estimates for each, is contained within the private section of this agenda. The preferred option from a collective regional perspective was agreed as option 5, which is the most costly option. Walsall's share is, however, less than Walsall's original cost estimate share.
- 4.16 Additional to the above, storage costs will apply unless there is a decision to sell all the assets in the facility. If there was an option to relocate the facility this would also incur additional cost.
- 4.17 The 2020/21 budget monitoring position assumes estimated costs to be met from the unringfenced Government Covid-19 response fund allocated to Walsall. Option 5 would release savings from the initial agreement to be utilised to support other Covid-19 related costs.
- 4.18 Option 5 provides for:
- the facility to continue in existence with reduced operation until end February 2021;
 - the site to be vacated by 26 March 2021;
 - Sandwell MBC to provide a final account for the facility by end of March 2021;
 - Sandwell MBC to be authorised to decommission the facilities in the hangar at an agreed maximum cost, (distributed as set out in the existing funding agreement);
 - The Regional Mortuary Working Group to be instructed to work with all Partner Councils to identify how assets are to be divided (in broad ratios as set out in the existing funding agreement); and
 - The Regional Mortuary Working Group to find suitable uses, transport and storage of the assets working with partners.

Legal implications

- 4.19 Sandwell MBC are the lead authority for this project and provided legal advice and support in relation to the establishment of the Temporary Regional Mortuary. Sandwell MBC are expected to be commissioned to undertake the necessary legal and contractual arrangements to implement the facility's continued operation with a reduced operation in accordance with Option 5.
- 4.20 Sandwell MBC have prepared a draft Variation Agreement for the Partner Councils to agree, which will allow Sandwell MBC, as lead authority, to vary the existing contractual arrangements for the operation of the Temporary Regional Mortuary. The author of this Report will consult with Legal Services about the form of this agreement and any legal implications arising out of it.
- 4.21 Sandwell MBC will lead on that collaborative process and will be the contract party on behalf of the Partner Councils for the continuing or any new agreements with

Kenyon and any other providers of any aspects of the Temporary Regional Mortuary.

Procurement Implications/Social Value

- 4.22 Under normal circumstances there is a requirement to comply with the Council's Contract Rules, 'the Rules' when entering into a contract like the one referred to in this report. Due to a situation of genuine urgency, it was not possible to comply with the Rules. It was therefore necessary and appropriate to approve a waiver of the Council's Contract Rules. In accordance with Contract Rule 9.1, an urgent action waiver was signed on 6 April 2020, by the Chief Executive following the earlier approval of the Leader of the Council on 25 March 2020, to enter into the Memorandum of Understanding Agreement and commit to an associated contract with Kenyon International Emergency Services.
- 4.23 As the value of the Contract referred to in this Cabinet Report exceeds the current EU Threshold for Supplies and Services (£189,330), there is a requirement for the Council to ensure compliance with Public Contract Regulations (2015) 'PCRs'. Sandwell MBC are the lead Contracting Authority for this matter and the Council's Procurement Team will therefore undertake necessary due diligence in communication with Sandwell MBC to ensure that the award of contract and any subsequent variations comply with PCRs.

Property implications

- 4.24 There are no known property implications for this Council.

Health and wellbeing implications

- 4.25 There are no current Health and Wellbeing implications.

Staffing implications

- 4.26 There are no currently known staffing implications.

Reducing Inequalities

- 4.27 There are no currently known inequalities.

Consultation

- 4.28 The Regional Mortuary Working Group, in preparing the options paper, consulted with:
- Senior Coroner (WM)
 - West Midlands Police (DCI)
 - Birmingham City Council
 - City of Wolverhampton Council
 - Coventry City Council
 - Dudley MBC
 - Sandwell MBC

- Solihull MBC
- Walsall MBC
- Warwick DC
- Warwickshire County Council
- NHS England (EPRR)
- University Hospital Birmingham
- Birmingham & Solihull CCG
- Black Country and West Birmingham CCG
- Warwickshire County Council
- Birmingham Airport
- Funeral Directors (West Midlands wide)
- UK DVI
- Cabinet Office

4.29 The West Midlands Chief Executive Group consulted with their respective Leaders to put forward a preferred option.

5. Decide

5.1 The Partner Councils have considered the various options put forward and collectively have proposed that option 5 should be agreed for the future of the Regional Temporary Mortuary, the rationale being that we will have a 'ready to use' facility awaiting reactivation for any subsequent waves. Cabinet is asked to consider the rationale set out for accepting option 5 as the preferred option and approve the preferred option.

6. Respond

6.1 A Regional Working Group consisting of local authority officers will be actioned to implement Option 5.

7. Review

7.1 The Mortuary Working Group will monitor the operation of the facility and keep costs under close review.

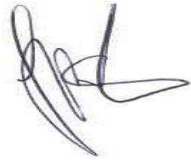
Background papers

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15 July 2020



Councillor Mike Bird
Leader of the Council

15 July 2020