

Contracts & Commissioning Board (CCB)

Contract Award Report

Date of meeting	16 th September
By	Katharyn Jones on behalf of Ed Humphreys
Title	Inter Authority Agreement- Pan London Mortality Management
Project Sponsor	Julia Pitt, Director of Gateway Services, Health, Wellbeing & Adults
Lead Member	Cllr Lewis – Cabinet Member for Culture and Regeneration
Key Decision	N/A

1. Recommendations

The Chair of CCB is requested to:

1. Approve to enter into the Pan London Mortality Management Services Agreement with Westminster City Council and pay the contractual commitment of £692,646 to the London Borough of Camden who are holding the sink fund on behalf of all London Borough Councils, in accordance with Regulation 19.3 of the Councils Tenders and Contracts Regulations.

2. Background & strategic context

There is an urgent need to put in place arrangements to secure pan-London mortuary provision for the coming months and plan for a potential second wave of Covid 19 cases and the increase in related deaths. As we start to enter into the autumn/winter months of the year, there will be an increase on mortality services to deal with the usual seasonal death increase. As there is no way to know the number of additional Covid related deaths due to the second wave across the whole of London, the Councils for Westminster and Camden have agreed to oversee these arrangements on behalf of all London Boroughs. They have requested that all Boroughs enter into a formal commitment to recognise the shared responsibility and commitment of all to ensure the proposed temporary arrangements for future pan-London mortuary provision are sufficient in the coming months, through to March 2021.

The Council's Gold Response had agreed on 9th September 2020 to enter into the pan London agreement and agreed to pay the commitment based on the sums listed in the agreement document, in order to provide additional capacity for the London South Coroner Area (of which Croydon is the lead on behalf of Bromley, Bexley & Sutton) should the continuing 'business as usual' arrangements the Council has in place for mortuary services become overwhelmed.

During the first wave of Covid-19 pandemic the Coronial Areas capacity which is supported by CUH, the Council and Funeral Directors was stretched. However in other parts of London the capacity was overwhelmed, which led to the first attempt of a pan London solution. This was led initially by the London Excess Death Mortality Management Group: chaired by Westminster City Council and then handed onto London Resilience. The plans that were initially put in place were based on planning assumptions regarding Covid-19 excess deaths. LMMG had to react quickly to put in place contingency and London Councils had to fund, despite not being based on individual councils needs at the time.

It should be noted that during the first wave, DWP claims for the Funeral Social Fund increased its usual response rate from 2-3 weeks to up to 16 weeks, this means that bodies are remaining in cold storage for longer whilst funeral arrangements are eventually put in place. There is a continuing concern that as more persons are unemployed and especially when the 'furlough' scheme finishes, there will be an increase to demand on the Council to provide services as its statutory duty under the Public Health Act 1984 to provide storage of bodies which could take up to 30days. The current prediction is this second wave could last up to 30 weeks, which puts pressure on the facilities in already in place.

The Council's team is closely monitoring the hospital admissions for Covid, whilst relatively low this could increase rapidly. They have also been in communication with the various funeral directors within the London South Area to ensure they are prepared for a second wave, as well as the Council has increased its capacity to provide facilities. Although Croydon has, so far, had enough capacity to manage demand without relying on the pan London service, all boroughs can be required to meet demand if other boroughs are struggling. As such, a pan London arrangement is required to ensure a sufficient number of mortuary hubs are available across London to meet demand.

These arrangements and costs will be subject to a further review in 2021 to confirm how they will be wound up or extended as needed.

All London boroughs have been asked to enter into an Inter Authority Agreement and contribute to a sinking fund in order to ensure there is enough capacity for mortality management across London in the event that there is a second wave of increased deaths due to COVID-19. The amount of the contribution has been based on population and not based on use. The cost to Croydon Council will be £692,646. The total estimated cost of temporary mortuary provision for London is £16,150,000 which includes the following:

- Commercial and contracts- including contract charges and novation costs on existing contracts
- Structures (Hubs)- cover costs relating to the re-commissioning and use of two hubs to bolster capacity at the anticipated January 2021 Wave 2 peak
- Logistics and Resources- costs to move bodies to and from the Hubs
- Supplies- costs relating to metal body trays
- IT- costs relating to licenses for power BI
- LA coronial costs- based on the cumulative local authority cost position at 13th August 2020
- Contingency

The agreement seeks to formalise and refine the arrangements that were required at the start of the pandemic to ensure preparedness if there is a second wave, and will continue until March 2021. Westminster City Council took over full management of the Pan-London Mortality Management, the agreement started 25th September 2020 and only a couple of the London local authorities are in continued discussions regarding their contributions due to outstanding issues from the first wave.

Governance arrangements from the agreement for WCC

In accordance with Clause 6 of the Pan London Agreement, Westminster City Council will be responsible and accountable to London council leaders for mortality management decision-making and expenditure. In effect, the London Councils' Leaders' Committee will act as the client and will take all steps necessary to ensure that Westminster City Council is able to fulfil its obligations under the contract and is fully reimbursed.

Westminster City Council will ensure that all London local authorities are briefed about the decision-making and finances of mortality management, so there is transparency of how decisions were made. This briefing will be undertaken through a monthly report to London local authority leaders and chief executives. The Finance Oversight Cell will ensure transparency of any expenditure in relation to the temporary mortuary provision

Expenditure will be vetted by the Finance Oversight Cell that has now been established as part of the transition management arrangements. These costs will be reported to the leaders and chief executives of all London local authorities on a monthly basis.

When the mortality management function is no longer required, any funds not used in the sinking fund (plus any interest) will be reimbursed back to London local authorities on the same basis on which payments were made into the sinking fund (Clause 8.2.2.(ii)).

If pan-London mortality management is required for a period beyond March 2021, then another upfront investment by January 2021 prior to the extension of the contract will be required for Westminster City Council to continue its stewardship of mortality management. In the event this occurs, the further funds will be requested from London authorities to be invested in London Borough of Camden's sinking fund. The sinking fund must cover the expected period of the contract

3. Financial implications

Details	Internal Capital	Revenue	Period of funding	External		Period of funding
				Capital	Revenue	
COVID-19		£692,646	September 2020- 31 st March 2021			

2. Supporting information

Westminster City Council is acting as the central purchasing body for the relevant Councils for the provision of mortuary and mortality management services, as such the Councils Tenders and Contracts Regulations (TCR) apply. London Borough of Camden are holding the sinking fund account 'MMG London Sinking Fund' on behalf of all the London local authorities. The Agreement confirms that the Council has taken its own legal advice in relation to the Public Contracts Regulations 2015 (PCR) and its own procurement and contract regulations as well as confirming that there is no delegation of functions. The Overview report confirms that Westminster will be relying on Regulation 32(2)(c) of the PCR to run a competitive procurement without prior publication on grounds of urgency. The agreement itself confirms that the Council has taken advice on procurement – given the lack of details for the procurement(s), this can only be general advice i.e. the Cabinet Office guidance PPN 01/20 confirms authorities can rely on Regulation 32(2)(c) of the PCR 2015

The Council will be seeking to use TCR Reg.19.3 to approve entering into this agreement as an emergency. The rationale being that these mortuary services may be needed in the event of a sudden spike in deaths due to COVID-19 and that all London boroughs are required to assist and prepare immediately in light of growing daily cases. Therefore, the approval can sit with Julia Pitt and Sarah Warman in accordance with Regulation 19.3, with a report to the Cabinet Member thereafter.

The Agreement is also drafted as a deed and therefore would require sealing in any event (unless it is agreed to be entered into it as a simple agreement). The Council can seek to rely on the Regulation 19.3 to approve entering into this agreement as an emergency. The rationale being that these mortuary services may be needed in the event of a sudden spike in deaths due to COVID-19 and that all London boroughs are required to assist and prepare immediately in light of growing daily confirmed cases and the recent measures that have been put in place.

3. Conclusion and reasons for recommendations

To note the Council will enter into a Pan London Agreement with Westminster City Council and the London Borough of Camden at a cost of £692,646, in order to ensure the London South Coroner Area has the ability to call off services should the a second wave of Covid increase the requirement substantially above the area's own resource.

4. Outcome and approvals

Outcome	Date agreed	
<i>Approvals of all are not necessary at this stage in accordance with TCR Reg.19.3.</i>	Service Director - Julia Pitt	01/10/2020
	Legal Services - Sonia Likhari	13/10/2020
	Head of Finance - Matthew Davis	28/09/2020
	Human Resources (if applicable)	N/A
	C&P Head of Service – Ed Humphreys	01/10/2020
	Lead Member Cllr Lewis	07/10/2020
	CCB	CCB1622/20-21 (14/10/2020)

5. Comments of the Council Solicitor

Legal advice has been given on the form of the agreement, which has been noted.

Approved by Sonia Likhari on behalf of the Director of Law and Governance

6. Chief Finance Officer comments on the financial implications

Approved by Matthew Davis on behalf of the Chief Finance Officer