



Cabinet
16 March 2015

**Report from the Strategic Director of
Environment and Neighbourhoods**

For Action

Wards Affected: ALL

Shared Mortuary Service

1.0 SUMMARY

1.1 Brent Council operates a public mortuary located within the grounds of Northwick Park Hospital as a shared service arrangement with Harrow Council. Barnet Council operates a public mortuary in Finchley. Both are within the jurisdiction of the North London Coroner. This report proposes extending the shared service arrangement at Northwick Park to include Barnet allowing the rationalisation of arrangements and the closure of Finchley Mortuary.

2.0 RECOMMENDATIONS

2.1 That Cabinet agrees that:

2.1.1 a public mortuary service should be provided by Brent council at Northwick Park on behalf of Brent, Barnet and Harrow Councils;

2.1.2 the shared service agreement between Brent and Harrow should be updated, and extended to include Barnet Council; and

2.1.2 to delegate authority to the Director of Environment and Neighbourhoods or Director of Regeneration and Growth in consultation with the Chief Legal Officer to agree the terms of the consortium agreement and interim agreement, and to take all necessary action to implement the proposed shared service arrangement.;

3.0 DETAILS

3.1 The Public Health Act 1936, Section 198, places a duty on local authorities to provide mortuary and post-mortem facilities for H.M. Coroner. Brent meets this duty by providing a mortuary at Northwick Park Hospital. This service is currently managed by Brent Regulatory Services. Regulatory Services is presently part of Environment & Neighbourhoods but from 1 April 2015 will be part of Regeneration & Growth. In the

event of a mass fatality incident, Northwick Park is the designated disaster mortuary for North London.

- 3.2 Brent and Harrow Councils jointly hold the site under a 99 year lease from the Secretary of State which expires on 25 December 2080. A formal agreement, from 1983, between both boroughs sets out the joint arrangements for management, finance, governance and termination. Brent manages the shared service on behalf of the consortium. Each authority pays a proportion of the running cost on a per capita basis.
- 3.3 Barnet Council have been reviewing their mortuary arrangements due to outsourcing of services and in recognition of considerable investment required at their aging and small mortuary site in Finchley. In July 2012 Barnet produced an options paper, which favoured a shared mortuary between all authorities under the North London Coroner's area. However, despite discussions between Councils this failed due to the considerable financial investment required.
- 3.4 Nevertheless, Brent and Harrow mortuary has some spare capacity and consequently in March 2014 Barnet again began to look at the options for closing their Finchley site. This time appraisal considered providing their statutory mortuary service in partnership with one of the two other mortuaries in the North London Coroners' jurisdiction, namely at Northwick Park (Brent & Harrow councils) or at Tottenham (Haringey and Enfield councils). In November 2014, Barnet's appraisals review determined that Northwick Park was their preferred option.
- 3.5 The Northwick Park mortuary was built with the possibility for a growth in post mortems in mind. It already has a workstation that is generally underused, and cadaver storage with spare capacity except during the busiest periods. However, accommodating a borough such as Barnet, with a population bigger than Brent and of Harrow would require investment in additional cadaver storage.
- 3.6 In addition to the cost of additional cadaver storage, there are some additional investments which will soon be necessary to upgrade aspects of the infrastructure that are largely unchanged since construction 33 years ago. Were the capacity extension not required, this work could probably be delayed for a few years, but it would be sensible to undertake all replacement or renewal work at the same time as work to extend capacity. Additionally, undertaking this work before the Finchley mortuary is redeveloped, gives a fall-back position for undertaking post-mortems and/or storing bodies off-site whilst renovations take place. Barnet has therefore agreed to make a contribution of £172,000 to these capital costs. This agreement allows Barnet to receive a substantial capital receipt from the sale of their site, net of the above contribution. It also allows Brent and Harrow to dramatically reduce the capital cost of infrastructure renovations that they would have shortly faced otherwise. It has also been agreed that each borough will contribute a modest proportion of the revenue savings each year to a refurbishment reserve fund that is intended to provide sufficient funds for future capital refurbishment costs.

- 3.7 A review of potential revenue costs has agreed that revenue costs will be divided on a per capita basis that, at 2013 Mid Year Estimate population levels, would mean the following distribution:

Borough	Revenue costs share (%)
Barnet	40
Brent	34
Harrow	26

- 3.8 The increase in throughput at the mortuary will increase the revenue costs and require an increase in staffing from 3 to 4. This increase in staff numbers would strengthen business continuity as at only 3 staff the service is vulnerable to temporary closure due to concurrent absence through illness and/or leave. A fourth technician reduces this risk. As Brent will manage the shared service on behalf of Harrow and Barnet, a percentage of Brent's management costs will be added to the revenue budget.
- 3.9 Subject to agreement with Harrow, Brent and Barnet's preference is that service governance is through quarterly review meetings between commissioning officers for each borough.
- 3.9 HM Coroner for North London, Mr Andrew Walker, has given his support for the three-borough arrangement at Northwick Park.
- 3.10 So that a tri-borough service can commence at Northwick Park, it will be necessary to:
- install additional cadaver storage;
 - undertake general refurbishment; and
 - develop and implement a new consortium agreement.
- 3.11 To enable full year savings, it will be necessary for the new service to start on 1 April 2015. However, there is insufficient time to complete the above steps before April. It therefore proposed to establish a temporary tri-borough interim agreement to allow the service to commence before a formal consortium agreement takes effect. This process will be expedited by the use of the recent Brent and Barnet Registrars consortium agreement as a model for this service.
- 3.12 To ensure continuity of service during refurbishment work, Barnet has agreed to keep the Finchley mortuary available for operational use until such time as refurbishments at Northwick Park are completed.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The cost of the existing Brent and Harrow mortuary in 2014/15 is £82k for Brent and £63k for Harrow with the cost sharing being on the basis of the two boroughs' respective populations
- 4.2 The addition of another local authority to existing agreement with Harrow is expected to reduce the revenue costs of providing the statutory public mortuary service for all three boroughs. In the case of Brent the revenue saving will be in the order of £35,000

per annum.

- 4.3 A saving proposal included in the 2015/16 budget agreed at Council on 2 March 2015 is for savings of £50k and £100k for 2015/16 and 2016/17 respectively from “a fundamental review of regulatory services including planning and building control, looking at all options including shared services with other local authorities”. This revenue saving from a shared service will contribute to that target from 2016/17.
- 4.4 This arrangement is expected to result in an injection of £200,000 of capital into the refurbishment in 2014/15 and extension of capacity. Barnet will be underwriting all the costs attributable to the extension of capacity including additional storage for cadavers and consequential changes (estimated at £59k), the first £69k of the general refurbishment costs and £44k of shared costs. Brent’s share of this investment is expected to be around £17k and Harrow’s around £13k which can be met from the first year’s revenue savings.
- 4.4 It is unlikely that further capital costs will required for several years. However future significant expenditure will be required as refrigeration and air conditioning equipment comes to the end of its useful life, and it is proposed that a reserve capital fund be established through sacrifice of a small proportion of the revenue savings, to enable the service to fund all but the most exceptional or unexpected capital costs without recourse to borrowing.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 198 of the Public Health Act 1936, places a duty on local authorities to provide mortuary and post-mortem facilities for H.M. Coroner.
- 5.2 Such an establishment must hold a mortuary licence issued by the Human Tissue Authority, for which the maintenance of standards of tissue control, disposal, documentation and systems are required, in addition to standards around the facilities and competencies of staff.
- 5.3 The Local Authority (Goods and Services) Act 1970 provides that local authorities may enter into contracts to provides goods and services to public bodies. Under Contract Standing Order 87, Cabinet approval is required to enter into any arrangement valued over £150k. As detailed in paragraph 3.1, Brent Council has a long standing shared service arrangement with Harrow Council whereby Brent Council manages the joint mortuary and post mortem facilities on behalf of itself and Harrow Council. For Barnet Council to join in the shared service, the existing consortium agreement with Harrow Council will need to be redrafted to reflect revised arrangements. As the negotiation and conclusion of a robust consortium agreement will take some time, the intention is to enter into an interim contract between Brent Council, Barnet Council; and Harrow Council.
- 5.4 The interim arrangement will provide for Brent Council taking on the management of the Barnet Council’s mortuary services from 1 April, with the transfer of one member of staff from Barnet Council to Brent Council as detailed in Section 7. For this member of staff, the interim agreement will need to contain provision requiring Barnet Council’s pension fund to pay Brent’s pension fund the total liability relating to the staff member at the start of the interim contract should the Barnet Council staff member chose to join Brent’s pension scheme.

- 5.5 The interim agreement will also include provision regarding the capital injections urgently required for the refurbishments and extension of mortuary and post mortem facilities at Northwick Park Hospital. Whilst the interim contract will be expressed to be for a maximum of 1 year, the contract is expected to terminate considerably sooner on the conclusion of the consortium agreement.
- 5.6 The mortuary building is held in the joint names of Brent Council and Harrow Council under a 99 year lease granted at a nominal rent by the Secretary of State on 10th June 1982. The intention is for consortium agreement to provide for Barnet Council to become a party to the lease. As there is a prohibition against a disposal of the lease it has to be varied by the freeholder, London North West Healthcare NHS Trust, in conjunction with the Lessees to enable the mortuary lease to be held jointly with Barnet Council.

6.0 DIVERSITY IMPLICATIONS

- 6.1 None.

7.0 STAFFING / ACCOMMODATION IMPLICATIONS

- 7.1 Three employees are employed by Brent at the Northwick Park mortuary and two Barnet employees work at the Finchley mortuary. One of the Barnet employees is leaving their employment by mutual consent before 31 March 2015. Thus, one employee will transfer to Brent under the provisions of the TUPE Regulations on relocation of the service to Northwick Park.
- 7.2 A review of job descriptions and person specifications will be necessary. However, harmonisation of employment contracts following a TUPE transfer is fraught with hurdles and is often not possible even with the transferring employee's consent. Harmonisation of terms and conditions to Brent's terms and conditions will be considered, but it cannot be assumed it is possible unless in the future there is an economic, technical or organisation reason entailing changes in the work force.
- 7.3 The employee transferring from Barnet is experienced but unqualified. A programme of learning and development to support the employee to gain the requisite qualification will be put in place.
- 7.4 The transferring employee will continue to have access to the Local Government Pension Scheme through the London Borough of Brent Pension Fund.
- 7.5 As the transferee, Brent will also take on liabilities regarding the transferring employee and will do due diligence in the usual way.

8.0 BACKGROUND PAPERS

- Northwick Park lease
- Brent and Harrow 1983 consortium agreement

9.0 CONTACT OFFICERS

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