

	Chief Executive
	Report from the Operational Director, Environmental Services
Accelerated Payments for Emergency Mortuary Capacity due to Covid-19	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Chris Whyte Operational Director, Environmental Services 020 8937 5342 Chris.Whyte@brent.gov.uk

1.0 Purpose of the Report

- 1.1. Due to the current outbreak of the Corona Virus - COVID-19, it was anticipated that there would be an escalated demand for body storage space that significantly exceeding pre-existing capacity.
- 1.2. Creating additional capacity at an emergency facility has supported the NW Hospital Trust through a period of great operational difficulty and crisis.
- 1.3. This approach was agreed by GOLD as part of the Council's overall response to the emergency and confirmed by the Chief Executive as part of the report on Critical Services & Decision-making which she agreed on 23 April 2020 pursuant to her urgency decision-making powers pursuant to Part 3 Paragraph 9.3.2 of the Constitution. Creating this capacity was in line with the recommendations of the London Excess Deaths Framework 2019 and our own established emergency planning and business continuity protocols that relate to responding to a pandemic situation.

2.0 Recommendations

That the Chief Executive:

- 2.1 Notes the rationale for providing the emergency facility in the first instance.

2.2 Recognises the costs already incurred and committed and agrees to approve the on-going operation and expenditure, and the eventual approach to de-commissioning.

3.0 The Need

3.1 Excess Deaths planning has always suffered from lack of central commitment to resourcing and the message over the last decade at least has been that boroughs should make their own arrangements under “business continuity planning” and not rely on assistance from the centre until things become unmanageable.

3.2 All models predict the overwhelming of the death management process during a pandemic. Increasing body storage capacity is the most certain and effective measure in response.

3.3 A position established from the London Resilience Excess Deaths Workshop, Nov 2019 was that body storage is highlighted as a part of the death management process likely to face significant pressures during a pandemic and that local areas should also seek to identify their own arrangements in line with regional and national guidance.

3.4 The London Excess Deaths Framework 2019 encourages planners to ensure they are prepared to respond from day one of an incident. It is important to note the various drivers for an excess deaths event and the variability of peaks with pandemic influenza outbreaks requires planners to be prepared much earlier than the previous six-week steer.

3.5 There was a strong recommendation that forming a buffer in the Death Management process by deploying an enhanced Body Storage capability will prevent the other more technical and legal processes from becoming overwhelmed. The challenges and complexities of deploying such storage in a densely populated city setting are a particular consideration.

3.6 The Framework offers that, in order to mitigate the impact of excess deaths on the death management process, it is recommended that local storage facilities be identified as part of enhanced local business continuity arrangements. This should complement the already established local authority, mortuary, funeral director and hospital storage capability and minimise the requirement for transportation. There is also the need to consider additional storage capacity locally when all local business continuity measures are exhausted and this is an expected requirement from the London Coroners before any regional arrangements are considered.

3.7 The Framework further advises that it is imperative that authorities and organisations with response roles strive to deliver on the death management process at local levels using business continuity measures and utilising pre-planned local capabilities before reaching trigger levels where mutual aid and regional coordination will be required. It was anticipated that owing to the cause

of the excess deaths event, many resources would be stretched in other aspects of response and certain support would not be available initially. That has proved to be the case.

4.0 Marsh Road Depot

- 4.1. The depot facility was recently acquired to support the project that is underway to recommission front line operational services.
- 4.2 Refurbishment of the building is not yet started and so the facility provided a 'blank canvas' that could readily be adapted as a temporary emergency mortuary.
- 4.3 Number 8 Services, the contractors assigned to the production of the Kilburn High street party, were identified as having the proper technical capability, the essential supply chain contacts and the immediate capacity to quickly undertake the works that were needed. It was agreed Number 8 Services should be reassigned to this work.
- 4.4 In a four-week period through the height of the crisis, the facility has maintained storage capacity throughout, receiving over 300 bodies in that time and sustaining the local hospitals through to the point of Peak Deaths and beyond.

5.0 Financial Implications

- 5.1 The initial re-fit and ongoing operating costs are set out at Appendix A. This required an immediate payment of £373k inclusive of VAT, payments of £232k per month in April and May and an ongoing monthly commitment of £271k thereafter depending on the duration of our emergency response. These payment amounts may increase or decrease, depending on the level of diesel usage compared to the expected level.
- 5.2 Further works on the site may be required in addition to the initial re-fit. This may result in additional costs to the above, but would be necessary in order for the site to continue to provide the appropriate facilities as the emergency develops.
- 5.3 Other costs that may be incurred in the operation of the temporary mortuary include staff overtime, electricity, small card purchases (e.g. food and drink, office equipment etc.) and the costs of providing counselling support to staff who either volunteer or are redeployed to work at the temporary mortuary.
- 5.4 Officers will investigate the opportunity for recovering these costs from a regional funding source on the basis the facility may also serve to meet a London-wide demand.
- 5.5 Officers will develop options for de-commissioning the facility as soon as the emergency response can be contained at pre-existing facilities. A particular consideration will be the extent to which the facility can be fully de-

commissioned or whether it is retained to some degree to provide an ongoing ready response to any re-emergence of the COVID situation.

6.0 Legal Implications

- 6.1 As detailed at Section 4, the Chief Executive pursuant Paragraph 9.3.2 in Part 3 of the Constitution is authorised to exercise either executive or non-executive functions where the matter is urgent unless this is prohibited by law. The proposal to create a temporary mortuary to sustain the local emergency response to the pandemic was not prohibited by law.
- 6.2 Change of use of the Marsh Road Depot to provide a mortuary is permitted development under the The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020.
- 6.3 In agreeing the payment arrangements, Legal Services will assist in formalising contracts and drafting any revisions to existing contracts and any other contractual documentation to protect the council's position in respect of these payments.
- 6.4 The procurement of contracts to set up and operate in the short term the mortuary at Marsh Road Depot without tendering or seeking bids is permitted under Contract Standing Order 86(f)(ii) and Regulation 32(2)(c) of the Public Contracts Regulations 2015 (PCR 2015) due to reasons of extreme urgency brought about by events unforeseeable by the Council. It should be noted however that it will not be possible to rely on such provisions in relation to any de-commissioning of the facility and that any contracts will need to be procured by the Council in accordance with the usual requirements of Contract Standing Orders and the PCR 2015.

6.0 Equality Implications

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. Due to the urgency of the situation, formal assessments were not undertaken prior to the decision to establish the mortuary. Such formal assessments are not a requirement of the duty.

6.4 None.

7.0 Consultation with Ward Members and Stakeholders

7.1 None.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Staff are currently recruited on a voluntary basis from other services and will return to their substantive roles once the facility is decommissioned. Given the nature of the work, staff will be given welfare support throughout their deployment and receive a welfare debrief from an external counselling provider when this assignment comes to an end.

Report sign off:

Chris Whyte

Operational Director, Environmental Services