

CABINET MEMBER DELEGATED DECISION 04 SEPTEMBER 2020

Report title: Funding Temporary Mortuary Provision to March 2021

Wards: All

Portfolio: Cabinet Member for Equalities and Culture: Councillor Sonia Winifred

Report Authorised by: Bayo Dosunmu: Strategic Director for Resident Services.

Contact for enquiries: Kevin Crook, Assistant Director Neighbourhoods,
0207 926 8973, kcrook@lambeth.gov.uk.

Report summary

This report outlines the contribution required from Lambeth to meet the costs of London-wide temporary mortuary provision and mortality management for a possible second wave of Covid-19 deaths over the winter of 2020/21. Westminster and Camden are leading on the arrangements and financing.

Finance summary

The total cost of temporary mortuary provision for London for the period to March 2021 is £16.150m. Lambeth's share of this is £588,928, which is required for payment to Camden by 4 September 2020. The cost would be met from the Bereavement Services revenue budget and the Council will seek to recover this from central government.

Recommendations

1. To approve payment of £588,928 to the London Borough of Camden for temporary mortuary accommodation, covering the period through to March 2021, by 4 September 2020.
2. To sign the inter-authority legal agreement.

1. CONTEXT

- 1.1 This report deals with the ongoing Covid-19 Pandemic.
- 1.2 In a report dated 24 August 2020, entitled *Pan-London Mortality Management – Future*, the requirements for temporary mortuary accommodation and mortality management over the winter of 2020/21 were set out. The report is accompanied by an inter-authority legal agreement.
- 1.3 Westminster City Council will enter into the necessary contractual arrangements for pan-London temporary mortuary provision and undertake the mortality management function. The London Borough of Camden will hold and administer the sinking fund, taking responsibility for ensuring finances are secured.
- 1.4 The data on which the cost of £16.150m have been calculated is based on the government's realistic worst-case scenario for a second surge of Covid-19 in London.
- 1.5 The inter-authority legal agreement commits London local authorities to fund the temporary mortuary provision through to March 2021.

2. PROPOSAL AND REASONS

- 2.1 It is proposed to make a CHAPS payment to Camden by the required date of 4 September 2020 and sign the inter-authority legal agreement.
- 2.2 If pan-London mortality management is required for a period beyond March 2021, further funds will be requested from local authorities.
- 2.3 Westminster City Council will be responsible for the mortality management function, which will report to Westminster's chief executive. Westminster will be responsible and accountable to London council leaders for mortality management decision-making and expenditure. Westminster 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 Ministry for Housing, Communities and Local Government and the Cabinet Office regarding the mortality management function.
- 2.4 Westminster 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.

3. FINANCE

- 3.1 The total estimated cost of temporary mortuary provision for London up until the end of March 2021 is £16.150m. This covers contract charges and novation costs on existing contracts; legal and security costs for the Breakspear Hub and vehicle costs; re-commissioning of the Breakspear and Putney Vale hubs; transfer of bodies; supplies; IT costs and coronial area costs; as well as a £1m contingency pot.
- 3.2 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.

- 3.3 This cost will be met from the Bereavement Services revenue budget and will be added to the Covid-19 related costs being claimed from central government.

4. LEGAL AND DEMOCRACY

- 4.1 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.
- 4.2 Section 111 of the Local Government Act 1972 provides powers for a local authority to do anything (whether or 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.
- 4.3 Under section 137 of the Local Government Act 1972, a local authority may incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants, providing the council is not otherwise authorised or required to make a payment by other legislation, nor unless the direct benefit accruing to their area or any part of it or to all or some of the inhabitants is commensurate with the expenditure to be incurred.
- 4.4 In reaching decisions on this matter, the decision makers are bound by the general principles of administrative law. Lawful discretions must not be abused or fettered and all relevant considerations must be taken into account, no irrelevant considerations may be taken into account, and any decision made must not be such that no reasonable decision maker, properly directing themselves.
- 4.5 This proposed key decision was not entered on the Forward Plan and the necessary 28 clear days' notice has not been given. The Statement of Urgency notice has been published alongside this report and the Monitoring Officer has agreed both that the decision in question is reasonable in all the circumstances and to it being treated as a matter of urgency. This decision is therefore not subject to five clear days' pre-notification and is not subject to the call-in process.

5. CONSULTATION AND CO-PRODUCTION

- 5.1 No consultation has taken place in relation to this report.

6. RISK MANAGEMENT

- 6.1 The risks around this decision relate to appropriate use of the funds paid. The report and legal agreement produced by Westminster provide adequate assurances on the governance and monitoring of expenditure; and assurances have been given that unused funds will be repaid. The risks to public health and of reputational damage of not having adequate mortuary provision in place should a second surge occur, would be extremely high.

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 An EIA has not been completed for this report. The decision relates only to a financial transaction and as such has no potential to impact negatively on protected characteristics.

8. COMMUNITY SAFETY

8.1 There are no community safety impact arising from these proposals

9. ORGANISATIONAL IMPLICATIONS

Environmental

9.1 Not applicable.

Health

9.2 Not applicable.

Corporate Parenting

9.3 Not applicable.

Staffing and accommodation

9.4 Not applicable.

Responsible Procurement

9.5 Not applicable.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations:

Activity	Proposed Date
Cabinet Member Decision	4 September 2020
Payment to Camden	4 September 2020

AUDIT TRAIL

Consultation

Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillor Sonia Winifred	Cabinet Member for Equalities and Culture	26.08.20	28.08.20	
Bayo Dosunmu, Strategic Director	Resident Services	26.08.20	03.09.20	
Andrew Ramsden, AD Strategic Finance	Finance and Property	26.08.20	27.08.20	
Michael O'Hora, Legal Services	Legal and Governance	26.08.20	27.08.20	
Kevin Edger, Procurement Category Manager	Finance and Property	26.08.20	27.08.20	
David Rose, Democratic Services	Legal and Governance	26.08.20	27.08.20	
Leena Khatri, Sustainability Technical Officer	Resident Services	26.08.20	27.08.20	

REPORT HISTORY

Original discussion with Cabinet Member	26.08.20
Report deadline	n/a
Date final report sent	n/a
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	N/A
Key decision reasons	Payment exceeding £500,000
Background information	None
Appendices	None

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board, and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Kevin Crook, Assistant Director Neighbourhoods

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Bayo Dosunmu,
Strategic Director for Resident Services

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature: _____ **Date:** _____

Post: Sonia Winifred
Cabinet Member for Equalities and Culture

Any declarations of interest (or exemptions granted): None.

Any conflicts of interest: None.

Any dispensations: None.