

WEST NORTHAMPTONSHIRE COUNCIL CABINET

16TH JANUARY 2024

CABINET MEMBER FOR CORPORATE SERVICES – COUNCILLOR MIKE HALLAM

Report Title	New public mortuary
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List of Approvers

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List of Appendices

Appendix A – Business Plan

1. Purpose of Report

- 1.1 To seek approval to deliver a new public mortuary for Northamptonshire and make allied arrangements.

2. Executive Summary

- 2.1 This report summarises the Business Plan for the proposed public mortuary at Booth Meadow, Northampton and makes recommendations to facilitate its implementation.
- 2.2 The Council has duties both as the 'responsible authority' for the Northamptonshire Coroner Area and as a 'category 1' responder for civil contingencies to make provision for properly storing bodies of the deceased and enabling post mortems to take place. The current arrangements for this are fragile and increasingly expensive.
- 2.3 It is therefore proposed to construct a new public mortuary. Whilst principally designed to enable the Council's own duties to be met, in the interests of economy, efficiency, and effectiveness it would be sized optimally and therefore have capacity to service the needs of other public bodies.
- 2.4 The overall scheme is to cost £9.4m capital with a further £0.1m of revenue service transition cost. It should be available for use by early 2025.
- 2.5 For the purposes of the business plan, only ad hoc third party use is assumed. However, there is a good prospect of reaching agreement for the new mortuary to also provide core capacity for Kettering and Northampton General Hospitals. If this was achieved it would deliver good value for money across the local public sector whilst further reducing the risk taken by the Council. Proposals are therefore made to facilitate this.
- 2.6 The Council has the option of not proceeding (which would leave it exposed to the existing service risks and not offer savings), proceeding with a Council-led project (incurring the natural project risks, but removing the service risks and creating potential for savings), or seeking a private sector partner (which is likely to be complex, cause delay, decrease flexibility, and increase end costs). It is recommended to proceed with a Council-led project.
- 2.7 Once fully operational the mortuary should deliver annual savings of £0.489m pa. These should increase over time as the capital financing costs remain fixed in cash terms whereas other costs and income undergoing inflationary increases.
- 2.8 The key risks identified are cost and quality of construction, and demand for the 'spare' capacity in the mortuary once it is operating. Given the planning which has taken place to date, none of these are considered to be likely to prevent the project objectives being met.
- 2.9 The new mortuary would contribute to the Council's net zero goals in design, construction, and operation.
- 2.10 Overall, the new mortuary offers the most viable means of delivering on the Council's objectives and meeting its legal duties in these areas. It is therefore proposed it proceeds.

3. Recommendations

- 3.1 It is recommended that Cabinet:
 - 3.1.1 Notes the proposed budget of £9.4 million (m) for construction of a new public mortuary.
 - 3.1.2 Authorises procurement of works for the new public mortuary.
 - 3.1.3 Approves the Business Plan at Appendix A.
 - 3.1.4 Approves a one-off revenue budget of £0.125m to cover service transition costs.
 - 3.1.5 Authorises the Director Legal & Democratic in consultation with the Assistant Director Assets & Environment and the Executive Director Finance to enter into long-term contracts with public bodies for the Council to provide mortuary services and to certify them under Section 2 of the Local Government (Contracts) Act 1997.
 - 3.1.6 Authorises the Assistant Director Assets & Environment in consultation with the Director Legal & Democratic and Executive Director Finance to enter into leases or licenses to occupy property and any related agreements in connection with agreements under 3.1.5.

4. Reason for Recommendations

- 4.1 The Council, as the responsible authority for the Northamptonshire Coroner's Area, needs to ensure there is sufficient, secure and suitable provision for the storage of bodies and the conduct of post mortems.
- 4.2 To improve the experience for those who are bereaved and who currently have limited access to or poor facilities for viewing their loved ones.
- 4.3 Investment in a new public mortuary would remove the need for investment in The Leys temporary mortuary.
- 4.4 To achieve net savings for the Council and support wider good use of public resources.
- 4.5 To enable, if agreement is reached, efficient entry into contracts for the provision of mortuary services with local NHS providers and/or other public bodies requiring these services, thereby maximising value for money and minimising risk.

5. Report Background

Services

- 5.1 Coroners are judges with responsibility for investigating the causes of violent or unnatural deaths, where the cause of death is unknown, or if the deceased was in state detention at the time of death. England and Wales is divided into coroner areas, as determined by the Lord Chancellor. The Council is the 'responsible authority' for the Northamptonshire Coroner's Area. As such, it is required to provide everything that is necessary for the Coroner's service to conduct its responsibilities.

- 5.2 The Council is also a category 1 responder under the Civil Contingencies Act 2004. This requires it to prepare for, and respond in the case of, a civil contingency such as a major accident.
- 5.3 In fulfilment of these duties the Council needs access to facilities to store the bodies of the deceased whose death are the subject of coronial investigation, and for post mortems to be carried out. It also needs to have the ability to store large numbers of bodies in the event of a civil contingency which causes larger numbers of deaths than normal arrangements will provide for (often known as 'mass fatality events').
- 5.4 Currently the Council fulfils these duties by (a) having arrangements to use mortuary and post mortem space at Northampton and Kettering General Hospitals (NGH and KGH), and where necessary further afield, such as at Leicester Royal Infirmary; and (b) through a temporary body storage facility at The Leys, near Wollaston in North Northamptonshire. However, these arrangements are fragile, and rely on sustaining old and temporary facilities, the co-operation of the hospitals, and (in the case of The Leys) the goodwill of staff whose main roles are elsewhere. The arrangements are increasingly vulnerable and expensive.
- 5.5 The existing arrangements also offer poor access and facilities for the bereaved and for pathologists.
- 5.6 Whilst the numbers of deaths referred for coronial investigation has remains broadly static in recent years, the number determined to require a post mortem has increased.

Proposed facility

- 5.7 Plans have therefore been prepared for a new public mortuary, owned by the Council. This would include facilities for:
- General forensic post-mortems,
 - 'Dry' post mortems by means of a computerised tomography (CT) scanner.
 - High risk and isolation post mortems.
 - Family viewing and formal identification of the deceased.
 - Disaster victim identification process in the event of a mass fatality incident.
 - Temporary expansion of body storage in the event of a mass fatality incident (replacing The Leys).
- 5.8 To elaborate on the second point, traditionally post mortems have been carried out surgically ('wet'). This, obviously, requires the pathologist to be in the same location as the body and have appropriate facilities for these activities. However, it is increasingly possible to use advanced medical technology, in the form of CT scanners, to determine the cause of death. This enables a quicker, cheaper, and less intrusive process (a 'dry' post mortem). Providing a CT scanner facility is likely to be an important part of the facility, both for efficient investigation into deaths in Northamptonshire, and also as a service which others can pay to use.
- 5.9 It is proposed that the mortuary would be located on Council owned land at Booth Meadow, on the Riverside Business Park, Northampton.

- 5.10 Extensive engagement has taken place with stakeholders, including the local hospitals, pathologists, Northamptonshire Police, and neighbouring coroner areas. This indicates there is support for the Council to develop this facility, and a high likelihood that it would attract use from neighbouring areas as well as the core demand from within Northamptonshire.
- 5.11 The new mortuary should be open for use in early 2025.

Long term agreements

- 5.12 Additionally (as is reflected in Opportunity 2 in the Business Plan) discussions with NGH and KGH are underway with a view to an agreement for WNC to provide the mortuary facilities for the hospitals at the new public mortuary. This would enable them to use their sites more efficiently and avoid duplication of facilities across the local public sector. It would also avoid the need for expensive works at the hospital sites. It is not yet certain that an agreement will be reached, which is why this is only reflected as an opportunity rather than a core part of the business plan. However, it seems likely agreement will be reached and therefore recommendation 3.1.5 is included to enable efficient delivery of legal contacts to that effect. This is desirable not only for the overall public sector efficiency it would deliver, but specifically from a WNC perspective as a means of further reducing risk.
- 5.13 It is also possible that similar arrangements may be secured with other public bodies, most likely from outside of Northamptonshire. This would also be beneficial to WNC and therefore the recommendation has been drafted to include any such contracts.
- 5.14 As part of agreements with the hospitals or other public bodies, it is possible WNC may need to have facilities under its control on their sites. For example, a chilled temporary storage facility. Recommendation 3.1.6 allows for this.

6. Issues and Choices

- 6.1 The key choice for the Council at this point is whether to proceed with providing a new public mortuary or not, and if it does so, whether to do so using its own resources. As set out in the Business Plan, the options are as follows.
- 6.2 Option A: No further action. This would leave the current situation to continue, with services at risk and no opportunity for savings.
- 6.3 Option B: WNC proceeds to deliver the new mortuary. This would involve the typical risks in a construction project and also those risks around demand for use of the spare capacity, but would resolve the existing service delivery risks and create opportunities for savings.
- 6.4 Option C: WNC promoted a mortuary in arrangement with the private sector. There are a range of forms of this, from something akin to a PFI contract to a 'block booking' by WNC anchoring a new private sector facility. All versions would involve significant additional complexity and restrict future flexibility, as well as being likely to result in higher costs.
- 6.5 It is therefore concluded that Option B is preferable.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The financial situation in the 'no scheme' and 'with scheme' worlds is detailed in the Business Plan. In summary, the 'with scheme' scenario delivers annual savings of £0.489m pa, after the service transition is completed. The service transition is expected to cost £0.100m.
- 7.1.2 Over time, the financial position should become more favourable, as the capital financing costs are fixed in cash terms, whereas the other costs and income are subject to inflationary rises.
- 7.1.3 Financial risks are addressed under 7.3.
- 7.1.4 The land at Booth Meadow could in theory be used for other services. However, no specific requirements suitable for that site (which could not be provided as well as the mortuary) have been identified. Disposal of the area of land concerned separately from Booth Meadow as a whole may be possible but would be complex. The opportunity costs of using the site are therefore minimal.

7.2 Legal

- 7.2.1 Section 24 (1) of CJA 2009 provides that it is the responsibility of the relevant authority (WNC in this case) to provide the Coroner with her service. The relevant authority for a coroner area must—
 - (a) Secure the provision of whatever officers and other staff are needed by the coroners for that area to carry out their functions.
 - (b) Provide, or secure the provision of, accommodation that is appropriate to the needs of those coroners in carrying out their functions.
 - (c) Maintain, or secure the maintenance of the accommodation provided.
- 7.2.2 Whilst these duties do not create a legal duty to provide a mortuary, in the circumstances of Northamptonshire, providing a mortuary is a means of economically, efficiently, and effectively delivering the required outcomes. This is in line with the Council's best value duties under Section 3 of the Local Government Act 1999. The service delivery reasons are addressed below.
- 7.2.3 In providing a mortuary the Council would need to abide by a series of requirements including those specifically relating to mortuary licensing (Human Tissue Authority). It would also be sensible to have regard to the guidelines set out in the NHS publication Health Building Note 16-01 (2023).
- 7.2.4 The Council is entitled with other public bodies in relation to the delivery of public services under the Local Authorities (Goods and Services) Act 1970 and for the purposes of that Act Section 74 of the National Health Service Act 2006 provides that the NHS is a public body.

7.2.5 If a Council 'certifies' a contract under Section 2 of the Local Government (Finance) Act 1997 the contract is protected against legal challenge to the effect it is outside of the Council's legal powers. Given it seems clear the Council's proposed actions would be within its powers, certification may well not be required. However, if the hospitals or other long-term contractual partners want the reassurance that the contact is protected in this way, there would be no reason not to provide it.

7.3 Risk

7.3.1 The main risks associated with the project are as follows.

7.3.2 R1: Change in demand. This largely flows from potential changes in number of deaths requiring coronial investigation but would also be affected by the attractiveness of the facility and its operation to third party users. The main concern is that demand might be lower than planned for, but there are also some risks around demand being higher, such that the mortuary is not sufficient to meet the need. The lower demand risk is mitigated by the design, including facilities not widely available and thus likely to be called for across a large area of England, and the intended agreements with third parties. High demand would be managed depending on its nature – short term or longer term – with short term peaks falling under the protocols for excess deaths. Long term higher demand may justify extending the mortuary. There is sufficient space to make this possible.

7.3.3 R2: Failure to obtain planning permission. This is considered to be a low risk due to the location and nature of the site, and further mitigated by pre-application engagement and careful preparation of planning application materials.

7.3.4 R3: Legal challenge. In theory this could be to either the Council's investment decision or to any planning permission granted. Neither is considered a high risk. In the case of planning permission, the risk is low for the same reasons there is confidence planning permission would be granted. In relation both aspects of this risk, the Council would take decisions properly, based on appropriate assessment. This will greatly reduce the risk of successful challenge. The absence of a party with interests materially harmed by the proposal makes even an unsuccessful challenge unlikely.

7.3.5 R4: Failure to control project costs. This risk may flow from a number of factors, notably changes in scope, increases in supply or construction costs, and the weather. This risk has been reduced through evolution of the design to its current stage, working with key supply chain partners, and use of professional cost consultants. It will be managed through optimised risk allocation in construction, with appropriate risk allowances. A design freeze will be critical.

7.3.6 R5: Failure to achieve adequate quality. This risk principally flows from a failure to understand or apply end user requirements in the design, or the design not being faithfully implemented during construction. These sources of risk have been mitigated by close engagement with the service manager, learning from providers of similar services, and engagement with the supply chain. They will be mitigated by selection of a suitable contractor and continued management of quality built into project management processes.

7.3.7 Taken together, the risks are not considered to pose a material likelihood of the project being unable to deliver the Council's objectives.

7.4 Consultation and Communications

7.4.1 As outlined in the Business Plan, there has been extensive engagement with stakeholders in the preparation of the proposals. This would continue as the detailed design, procurement, and preparation for service commencement took place.

7.4.2 Whilst handling the subject with due sensitivity, public communications would explain the reasoning for the Council's proposals and how they would improve service delivery and offer value for money.

7.5 Consideration by Overview and Scrutiny

7.5.1 None.

7.6 Climate Impact

7.6.1 The new mortuary would be constructed in line with the Council's Construction & Maintenance Climate Strategy and Estate Climate Strategy, seeking to minimise net carbon emissions in construction and use. It would provide high levels of insulation and energy efficiency, and if practical will incorporate solar (photovoltaic) electricity generation.

7.6.2 Despite its location in the southeast of Northampton, the site is relatively accessible, being served by the 5 bus route between Northampton Town Centre and Southfields via Weston Favell and with a specific cycle route running close by. Inevitably body transport will use motorised vehicles, but this would be true wherever the mortuary was. Opportunities to reduce the impact of this will be explored in line with the Council's emerging Fleet Climate Strategy.

7.7 Community Impact

7.7.1 The location of, and access to, the site means there is little prospect of either negative or positive local community impact.

8. Background Papers

8.1 None.