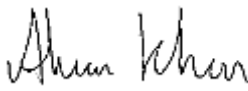


LONDON BOROUGH OF WALTHAM FOREST

Meeting / Date	Cabinet 3 November 2022	
Report Title	Mortuary Scheme Update	
Cabinet Portfolio	Councillor Ahsan Khan Deputy Leader and Portfolio Lead Member for Housing and Regeneration	
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Wards affected	<p>Open except for Appendix A which is EXEMPT in accordance with Section 100 (A-H) of the Local Government Act 1972 and Schedule 12A as amended, on the grounds that it involves the likely disclosure of exempt information as defined in Part 1, paragraph 3, as it contains information relating to the financial or business affairs of any particular person (including the authority holding the information) and disclosure would not be in the public interest</p>	
Public Access	Open	
Appendices	<p>Appendix A - Summary Financial Data and Key Financial Assumptions (EXEMPT)</p> <p>Appendix B - Equality Impact Assessment</p>	

1. SUMMARY

- 1.1 This report updates Cabinet on progress of the Coroner's Court (Phase 1) and Mortuary redevelopment (Phase 2) at Queens Road Cemetery, Walthamstow.

- 1.2 The overall proposal for Phase 1 Coroner's Court and Phase 2 Mortuary capital works was approved by Cabinet in January 2020 and by a subsequent Cabinet update in June 2021.

Phase 1

- 1.3 The Phase 1 Coroner's Court redevelopment increases the capacity of the existing building to provide an additional court and offices, as well as ICT investment to digitise the court. This much needed investment will provide enhanced capacity to meet service demand in an enhanced, modernised and accessible setting.
- 1.4 The Coroner's Court redevelopment is progressing well and completing in January 2023 on programme and within budget.

Phase 2

- 1.5 The Walthamstow Public Mortuary (Phase 2) is a key site Waltham Forest Council is investing in to provide a modern purpose-built Mortuary with the inclusion of a state-of-the-art digital autopsy suite. The Mortuary handles cases referred to the Coroners Court service that is conveniently located next to the Mortuary building.
- 1.6 The Council has also commenced the Mortuary demolition and rebuild programme, which will deliver capital improvements to the Walthamstow Public Mortuary. The existing mortuary closed operationally in April 2022 and moved to a temporary location at Chingford Cemetery in order to commence the enabling works for the new development in Queens Road. Demolition will commence at the end of October and be completed in early December 2022.
- 1.7 Costs have increased across the Mortuary scheme as the design has developed. This is due to a number of factors including scope increase and national market pressures on construction projects as a result of COVID, the War in Ukraine and Brexit.
- 1.8 This has resulted in a funding gap of £1.4m for construction costs and accordingly, approval is now sought for additional borrowing for the Mortuary Scheme.
- 1.9 The Mortuary's costs are being met by revenue operations to ensure the project is financially viable, as illustrated in Appendix A - Summary Financial Data and Key Financial Assumptions.

2. RECOMMENDATIONS

- 2.1 Cabinet is recommended to:
 - 2.1.1 Note the progress of the Phase 1 Coroners Court and Phase 2 Mortuary redevelopment.

- 2.1.2 Approve the increase in the capital budget of up to £1.4m for the Mortuary demolition and rebuild programme which is funded by borrowing increasing the overall capital funding to £5.8m for both the building and the CT scanner.
- 2.1.3 Note the Mortuary service will aim for a net nil revenue budget for the new digital scanner facility through revenue generation from Coronial Jurisdictions, which requires 4 additional Boroughs to use the facility each year in addition to the East London Jurisdictions (which Waltham Forest is a member of).
- 2.1.4 Delegate authority to the Commercial Director – Property and Delivery, in consultation with the Portfolio Lead Member, Housing and Regeneration, the Strategic Director, Finance and Governance and the Director of Governance and Law, to procure and appoint building contractors to deliver both phases of the Coroner’s Court and Mortuary redevelopment project.

3. PROPOSALS

Background

- 3.1 Her Majesty's (HM) Coroners investigate unnatural or violent deaths, where the cause of death is unknown, or because the death took place in prison, police custody or another type of state detention. The East London Coroner, hosted by LBWF, covers the five boroughs in the East London Coronial Jurisdiction (Waltham Forest, Newham, Redbridge, Havering, and Barking and Dagenham). The Coroner is based in the Coroner's Court at Queens Road Cemetery, Walthamstow.
- 3.2 Co-located with the Coroner’s Court, Walthamstow Public Mortuary handles sudden deaths that have been referred to the Coroner. The Council is committed to providing a professional, dignified, caring and sympathetic service but this is restricted by the condition and suitability of both the Coroner’s Court and Mortuary buildings.
- 3.3 The Mortuary frequently accepts bodies from other boroughs; however, due to storage capacity issues, population growth, increased demand for public funerals and poor building layout that present operational challenge, it is difficult to provide services in accordance with industry best practises.
- 3.4 The Digital Autopsy Suite, which is part of the investment package, will increase the Mortuary's capacity by doing non-invasive post-mortem exams. It will improve service by respecting religious and cultural norms by allowing for faster response time on examinations and saving time for sensitive situations such as forensic/police matters, as well as creating a digitised record that can be instantly revisited.
- 3.5 Further, the facility will give stakeholders flexibility allowing for remote interrogation of digital autopsies, and the ability to seek second opinions at any time, even after the body has been removed from the Mortuary.

- 3.6 In January 2020, Cabinet approved capital works to the Coroner's Court to provide an additional court and offices, along with ICT investment to digitise the Court. Cabinet also approved the demolition and rebuilding of the Mortuary, with the inclusion of a state-of-the-art digital autopsy suite and additional storage capacity. The aim of this investment is to enable the Mortuary to become the central hub for post-mortems across the East London jurisdiction.
- 3.7 A further Cabinet report in June 2021 provided an update to service requirements which were reviewed against the backdrop of increasing levels of demand and the COVID-19 pandemic. The enhanced scope with respect to the Coroner's Court element of the development has been enabled by financial contributions from partner boroughs in accordance with the existing pro rata contributions based on population per borough. Increased income generation opportunities identified with respect to the Mortuary have facilitated an increased level of investment.

3.8 Strategic Context

3.8.1 Effectiveness of the Mortuary service delivered is based upon:

- i. **Quality** - Delivery of a critical public service whose performance is measured against standards set by the Human Tissue Authority.
- ii. **Efficiency** – Determined by the operational processes employed at the Mortuary. The configuration of the facility is therefore a critical consideration to deliver efficiencies; and should provide the functionality of the Digital Autopsy (DA), as well as invasive autopsy, and the receipt, storage and egress of the deceased.
- iii. **Partnerships** - The service works closely with the Coroners service, other London Boroughs within the jurisdiction, the Private sector and with faith communities.

3.8.2 The drivers used to determine if the project is actually required are set within the context of:

- An increased, ageing and culturally diverse population,
- A national shortage of pathologists,
- An increased pressure on the mortuary as a frontline service especially in the winter months,
- A mortuary that has difficulty handling high caseloads due to operational limitations on its maximum post-mortem load (four non infectious cases at a time)
- Limitations of size in terms of post-mortem room areas and cadaver storage
- Operational concerns as a result of poor building design identified in the Human Tissue Authority Report

3.9 **Mortuary Phase 2 Cost Increase**

3.10 Following cabinet approval in June 2021, the professional design team continued its work and carried out additional surveys in which identified higher anticipated expenses, and which are now better understood as a result of this work.

3.11 By June 2022 planning permission was granted and by July 2022 RIBA stage-3 designs were finalised, and the following areas below were identified where further increases in cost arose across the Mortuary redevelopment programme.

I. **Additional scope**

The building increased by 152m² due to adjustments to the building shape and accommodation requirements including the addition of the first-floor plant room to meet planning requirements that encompass additional energy efficiencies

II. **Specification adjustment**

- CT Scanner specification changed from water cooled to air cooled. The most significant drawback of a water-cooled scanner is the 'chiller maintenance' required, particularly if clean water is required; up to 50% of downtime issues with water-cooled scanners are caused by chiller issues/faults. Chillers necessitate a much larger plant room and thus increasing the building's GIA (Gross Internal Area). After conducting a number of manufacturer site visits and consultant peer discussion, it was concluded that air cooled scanners have newer technology as most facilities prefer to avoid chillers if at all possible.
- **IT equipment** - there have been several minor changes and cost adjustments, however, these have largely been cost neutral.

III. **Storey heights increase** - Stage 2 design was based on an approximate building height of 5.6m, however, following coordination with the structural engineer the latest building design indicates a height of 7.2m. The increase in building height results in a greater quantum of external façade, internal walls, etc.

IV. **Temporary body storage**

- This requirement was being met by other mortuaries in the jurisdiction but due to rising demand, this requirement had to be met in-borough at Chingford Cemetery at a cost.
- The provision will ensure that deaths are handled in a courteous and respectful way and allow storage income to continue during the construction period, it also guarantees that the council's mortality management obligations are met for the Borough and resilience for the wider coronial jurisdiction.

V. **Tender price inflation**

- The stage 3 cost update included allowances for tender price increases up to the third quarter of 2022 at 3.2% according to data available in the fourth quarter of 2021.
- Forecasts by BCIS (Building Construction Information Service), the RICS cost service provider, indicate a revised increase of 6.7% for the same period, since the stage 4 tender return an additional 2.5% allowance is expected and has been added to the construction and fit out cost increase.

3.12 The list above identifies the key drivers for the cost increase. It is noted that the building now has capacity for 116 bodies and cadaver stores. The previous Stage 2 design provided 108 bodies, therefore, the increase in building footprint has enabled greater capacity which will have a business case advantage for increased revenue.

3.13 The coroner has confirmed that in the event of a case needing a post mortem within the Eastern jurisdiction it will come to Waltham Forest’s facility first for a digital CT scan rather than have an invasive post mortem.

3.14 The redeveloped facility has attracted a lot of interest from other boroughs too as there is no comparable facility in London.

3.15 Delivery Plan

The key milestones for the Mortuary programme are summarised in the table below

Milestone/Activity	Mortuary (Phase 2)
Appoint Contractor	Early November
Discharge Planning /Design	Late November to Mid-February 2023
Construction	Mid-February – Late August 2023
Open and in use	September 2023

4. OPTIONS & ALTERNATIVES CONSIDERED

4.1 The options of doing nothing or maintaining the original pre-pandemic level of investment were considered. However, these options were discounted as there would be a significant risk of operational failure at the mortuary because of the current condition of the property, as well as losing the opportunity to move to a digital autopsy solution. It also would carry the risk of the limited body storage capacity on site, particularly during winter periods and any civil contingency requirements such as the COVID-19 pandemic.

5. COUNCILS CORPORATE PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

5.1 The Coroner's Court and Mortuary redevelopment will contribute to meeting the Council's Public Service Strategy priorities:

- Our 15-minute neighbourhood
- Confidence in our future

5.2 The new London Plan, contains the following key sustainability requirements

- The new London Plan, contains the following key sustainability requirements:
- Major developments should be net zero-carbon in accordance with the following energy hierarchy:
- Be lean – use less energy and manage demand during construction and operation.
- Be clean – Exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
- Be green – generate sort and use renewable energy on site.

5.3 In line with the London Plan, the local planning policy requires all development within the Borough to minimise carbon dioxide emissions in accordance with the energy hierarchy. As a result, the development will be required to offset all carbon emissions, i.e., 100% of carbon emissions. This will contribute to the Council's broader work to address the climate emergency.

6. CONSULTATION

6.1 No statutory consultation is required on this proposed capital scheme but nevertheless there has been significant engagement by the service with a number of key stakeholders over the last three years. Stakeholders include:

- The Muslim community
- The Jewish community
- The Coronial Service
- The four other Boroughs that make up the Eastern Coronial jurisdiction

6.2 The consultation was very positively received particularly by Noor ul Islam and the then Chair of Waltham Forest Council of Mosques, Yusaf Hansa, who met with the Corporate Director of Governance and Law and stressed to him how important the digital autopsy facility is to the wider Muslim community.

7. IMPLICATIONS

7.1 Finance, Value for Money and Risk

- 7.1.1 The total capital expenditure required for Phase 1 (Coroners Court) of the project is £2.51m, which is being funded from within the existing budget approved at cabinet June 2021. Given the coronial boroughs' joint responsibility for the coroner's service, it is expected that the Council's ultimate share of these costs will be approximately £502k.
- 7.1.2 Additional capital budgets funded from borrowing will be required for Phase 2 (Mortuary): these are currently forecast at £5.8m for construction works including £0.58m for the CT scanner. The scanner will require replacement every 10 years and is built into the financial modelling (inflated at 2.5% per annum)
- 7.1.3 The current operational plan assumes that the digital autopsy service will be taken up by the coroners' services for both the East London and coronial area. On this basis, the digital autopsy service will generate a £340k per annum deficit (after all operational costs have been included plus MRP and Interest costs (5.5% interest rate) over a 40 year period).
- 7.1.4 The new facility has already generated a lot of interest from other coronial jurisdictions for both digital autopsies and body storage. The Mortuary will require a further 4 Boroughs to use the facility each year to be a net neutral cost to the Council in addition to the East London Jurisdiction. There is a potential for the service to generate a surplus should more Boroughs, jurisdictions, organisations (such as the Metropolitan Police) or residents (through a separate Fee & Charges decision) opt to use this new service, which is currently unique in London. The service team will continually explore opportunities to market this facility and its benefits to both Coroners, Families and Residents.
- 7.1.5 **Key Risks.**
- (a) The provision of a digital autopsy service will require significant, up-front capital expenditure both for the required construction works, as well as for a CT scanner, and there will also be medium-term revenue commitments required for maintenance contracts for the scanner. If adequate demand for the digital autopsy service is not obtained, then there is a significant revenue risk, as costs are largely fixed.
 - (b) The equipment cost for a CT Scanner and associated installation, maintenance and running costs are currently based on soft market testing and will be confirmed during the procurement process.
 - (c) The success of the digital autopsy service is also dependent on the successful recruitment and retention of specialised staff.

- (d) Revenue cost forecasts assume inflation will average at 2.5% over 40 years. Risk of inflation being above forecast levels impacting operational costs.
- (e) The East London Coroner is not satisfied with the autopsies and as such could remove their support for the Digital service and revert back to invasive methods. This would mean that the Council will be liable for the fixed cost of the digital service with a much reduced income, which would mean a cost of up to £500k per annum to the general fund.

7.2 Legal

- 7.2.1 Under the Local Authorities Cemeteries Order 1977 a local authority may, if it thinks fit, provide, and maintain a mortuary for use in connection with a cemetery and may furnish it and equip it as it thinks appropriate. The current mortuary formerly served the existing cemetery at Queens Road.
- 7.2.2 The Council has the general power of competence under section 1 Localism Act 2011 and ancillary powers under section 111 Local Government Act 1972 to do anything, which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions
- 7.2.3 The Procurement of the Delivery Partner will be conducted in accordance with the Public Contracts Regulations 2015 (as amended) and the Council's Contract Procedure Rules. Under Rule 9.1.1 the Council may use a legally compliant framework agreement which the Council has procured or has the right to access (subject to complying with the rules applicable to that framework).

7.3 Equalities and Diversity

- 7.3.1 The Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination and advance equality of opportunity. The Council must further take into account its wider Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010 when making its' decisions. The public sector equality duty (s.149, Equality Act 2010) requires the Council, when exercising its functions, to have "due regard" to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act, advance equality of opportunity between those who share "protected characteristic" and those who do not share that protected characteristic and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (this involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding)
- 7.3.2 An Equalities Impact Assessment has been completed and is attached in Appendix B. There are no adverse impacts to any of the protected groups. The delivery of a digital autopsy suite will have positive benefits for particular faiths groups that are uncomfortable with invasive post-mortem examinations.

7.4 **Sustainability (including climate change, health, crime and disorder)**

- 7.4.1 Planning policy has guided sustainability aspects of the site redevelopment including carbon reduction measures. Sustainable materials form part of the design philosophy while observing budget constraints.
- 7.4.2 The Sustainability and Energy Strategy that has been developed articulates the Council's requirements for the Mortuary and includes a requirement for the new Mortuary to meet the Building Research Establishment Environmental Assessment Method BREEAM 'Very Good' standard and minimum planning policy requirements.
- 7.4.3 In order to achieve the BREEAM "Very Good" standard, the new mortuary facility has reduced staff parking provision while increasing the number of spaces for people with disabilities. It also promotes sustainable transportation as a key component of its transportation strategy by offering on-site electric vehicle charging stations and bicycle storage facilities. Installation of photovoltaic system (PV) on the roof to generate green electricity and compliance with building regulations are further important steps.
- 7.4.4 The proposals comply with the new London Plan policies D4 and D5, Core Strategy policy.

7.5 **Council Infrastructure**

- 7.5.1 **Resources:** The project will be managed from within the Property and Delivery Division, using resources currently in place. These will be responsible for the delivery of the project working with internal stakeholders and external consultants:
- 7.5.2 **Support services – Finance, legal and procurement:** Support will be required from the Council's legal, procurement and finance services in preparing all the necessary legal agreements, undertaking procurement, and assessing the financial impact upon the Council.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

None