

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet Member for Public Realm, Councillor Sharon Holder

Date: 22/02/2024

Subject: Mortuary Services Contract

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Responsible Director: Nicola Ellis, Strategic Director, Chief Operating Officer, Corporate Services

SUMMARY

1. The Fulham Mortuary provides a body storage facility, a full postmortem service for HM Coroner and the Home Office, facilities for relatives to visit, and police identification facility to H&F and Hounslow Councils.
2. The Mortuary is classified as a level 3 hazard unit which handles high risk postmortems. It is also a Designated Disaster Mortuary - part of the London Mass Fatalities Framework. It will act as the disaster mortuary for Kingston, Richmond, Ealing, Hounslow, Hillingdon and Hammersmith Councils in the event of a mass fatality in any of the boroughs. The service must be ready at short notice to respond to a disaster (which could be anywhere in the world as Heathrow Airport is within our jurisdiction). It has an excellent reputation for assisting with disasters. Total capacity for body storage at Fulham Public mortuary is 88 fridge spaces, 12 deep freeze fridges and 4 bariatric fridges.
3. This report highlights the terms and conditions for the contract to provide mortuary services to the London Borough of Hounslow. The contract that is the subject of this report does not cover the Coroner’s element but relates only to the receipt and storage of the deceased.

RECOMMENDATIONS

1. That the ongoing provision of mortuary services to the London Borough of Hounslow contract terms and conditions be approved.
2. To note that the contract price for the provision of mortuary services to the London Borough of Hounslow will be £387,747.80 per annum running from 1st April 2024 to 31st March 2027 with an option to extend for up to 2 years. The total contract cost will be up to £1,938,739 for the 5 years.

Wards Affected: None

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The procurement aims to minimise costs to LBH&F whilst delivering quality and performance
Creating a compassionate council	The service is about dignity and efficiency together with care – at times of bereavement or crisis
Doing things with local residents, not to them	The service is about dignity and efficiency together with care – at times of bereavement or crisis
Being ruthlessly financially efficient	The contract will provide revenue which can be invested to protect and improve essential services for our residents.
Taking pride in H&F	The service is about dignity and efficiency together with care – at times of bereavement or crisis

Financial Impact

4. There is an established revenue budget for the cost of the Mortuary service including any contractual income received from Hounslow Council for the provision of mortuary services. The implications of this report do not have a direct financial impact, however reconciliations and invoicing of costs to Hounslow take place every quarter to ensure prompt payment and to resolve any financial issues which may arise. This will include any additional storage arrangements agreed between the Council and Hounslow.

Implications completed and verified by Andre Mark, Head of Strategic Planning and Investment, 13 February 2024

Legal Implications

5. Section 198 of the Public Health Act 1936 grants local authorities the power to provide a mortuary for the reception and storage of the deceased together with facilities for post mortem examination in their respective areas. Indeed, if the Secretary of State requires, local authorities must provide a mortuary.
6. The Local Authorities (Goods and Services) Act 1970 (“the LAGS Act”) provides that local authorities may enter into contracts to provide technical, administrative and professional services to other public authorities as defined by the LAGS Act, which includes other local authorities. This therefore empowers the local authority to provide mortuary services to the London Borough of Hounslow.
7. The situation in this report is unusual because it is the Council providing rather than purchasing a service. Contract Standing Order 34 covers such situations, and provides that no other provision of Contract Standing Orders applies to such “supply of services” contracts. CSO 34 also says that Council officers need to ensure that:

- a. Legal advice is obtained (this has been done) particularly around the contract terms including whether there is unlimited liability;
- b. Financial Regulations are complied with;
- c. Unless there is prepayment, invoices are raised promptly in accordance with established payment terms;
- d. Prompt action must be taken to recover debts

It is considered that these requirements have been fulfilled through the contract or established procedures. Although the contract does not include a cap on liability, such that liability is unlimited, it is a very low risk activity, given that it is delivered at the Council's own premises and alongside the service required for the Council's own residents.

8. CSO 34 also provides that the appropriate decision-maker to approve the Council entering into an arrangement to deliver services is the SLT member.
9. Once approved, Hounslow and LBHF will sign a Deed of Variation to the existing contract which will continue the current arrangement on the same terms.

Implications completed by: Angela Hogan, Chief Solicitor Contracts and Procurement 13th February 2024

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

10. The contract's terms and conditions are outlined below.

Storage of the Deceased

11. The contract allows for an estimated 295 deceased plus or minus 10%. If the deceased received from Hounslow for storage exceed the Mortuary's total capacity during a localised pandemic or where there is no regional or Pan-London additional storage arrangement in place, any figure which exceeds this by more than 10% i.e more than 325 deceased in a financial year will attract a fee of £1,000 per additional deceased. This will cover any additional costs incurred to store and/or manage the additional deceased.

Contract terms

12. This contract will run from 1st April 2024 up to 31st March 2027 with an agreement to extend the term for a period or periods of up to 2 years. Either party may withdraw from the contract by giving at least one complete financial year's written notice.

Opening times

13. The service's opening times 7.00am to 3.00pm Monday to Friday. This is to provide the flexibility to respond to the increased demands on funeral directors to access the service and enable an increased number of postmortem examinations to be undertaken.

Fixed Annual Contract Price Increase

14. The contract price shall increase automatically on an annual basis in accordance with the Consumer Price Index rather than by an annual price review.

Monitoring

15. A timetable for adequately monitoring the number of the deceased and the quality of services to ensure that services are performed to the standards required by the specification in the contract has been agreed.

Reasons for Decision

16. An updated contract is required for the ongoing provision of mortuary services to the London Borough of Hounslow.

Equality Implications

17. There are no equalities implications as a result of the proposals set out in this report.

Risk Management Implications

18. There is a financial risk that due budgetary constraints that Hounslow Council is unable to make payment. The impact to the mortuary service must be considered and if this violates the agreement to provide services and the resulting impact to services.

Jules Binney, Risk and Assurance Manager, 13th February 2023

Climate and Ecological Emergency Implications

19. Fossil fuel and energy use from providing a mortuary service is being decarbonised within the next 12 months, through the replacement of gas boilers with heat pumps and the installation of newer energy efficient fridges.

Jim Cunningham, Climate Policy & Strategy Lead, 13th February 2023

LIST OF APPENDICES

None