

AGENDA ITEM NO. 11

BRISTOL CITY COUNCIL

Cabinet
23rd November 2006

Report of: The Director of Central Support Services
Title: Coroner's Service Accommodation – Flax Bourton
Officer presenting report: Stephen McNamara
Head of Legal Services
Contact telephone number: 0117 922 2839

RECOMMENDATION

- 1) To agree to the building of a public and forensic mortuary at the site of the Flax Bourton Coroner's Court (on behalf of Bristol City Council, North Somerset Council, Bath and North East Somerset Council and South Gloucestershire Council) and
- 2) To agree to the completion of essential refurbishment work to the Coroners Court at Flax Bourton (on behalf of Bristol City Council, North Somerset Council, Bath and North East Somerset Council and South Gloucestershire Council)

Summary

There is a clear and undoubted need for a public and forensic mortuary to serve the Avon Coronial Area. The Home Office has approved grant funding of £864,000 towards the cost of building the mortuary (overall cost of £2,738,000) on condition that contracts are entered into this financial year for the building of a mortuary at the Flax Bourton site

The Flax Bourton Coroners Court is in urgent need of remedial work to bring it to an acceptable standard

The costs of the building of the mortuary and the remedial work will be shared between the four councils as detailed at Para 1

Policy The provision of a high quality and comprehensive coronial service and mortuary contributes to the overall well being of the city and the Avon area

Consultation

Internal) Head of Legal Services
The Democratic and Statutory Services Manager
The Head of Directorate of the Coroner

External) The Coroner
 The adjacent Unitary Authorities
 The Police Authority
 The adjacent NHS Hospital Trusts
 The Home Office

Context

1. Bristol is the lead authority for the Coroner for Avon on behalf of Bath and North East Somerset Council, North Somerset Council and South Gloucestershire Council. Bristol has responsibility for:

- Remunerating the Coroner
- Funding the running of the Coroner's office
- Funding the conduct of inquests
- Collection, storage and transportation to final resting place of all deceased in the Avon area
- Paying for post mortems.

Bristol meets 38.69% of the costs, B&NES 17.18%, North Somerset 19.16% and South Glos 24.97%, reflective of the population spread across the area.

The refurbishment of the Flax Bourton Court

2. The Coroner's Service moved from premises at Backfields in the centre of Bristol in January 2004 to the Court House, Flax Bourton in North Somerset. The building was previously shared with the Magistrates Court Service, but now is effectively solely occupied by the Coroner's Service.

3. The Cabinet agreed to the purchase and refurbishment of the Flax Bourton Court in November 2005. The freehold interest of the property is currently held between North Somerset Council and the Department for Constitutional Affairs (DCA). They have indicated that they would be willing to sell the freehold interest to Bristol City Council on behalf of the Coroner's Service – there have been some legal complexities, which have prevented earlier completion.

4. The Coroner's Service needs office accommodation for the administrative staff and needs court space for inquests. The Flax Bourton site offers office space and some small court facility for non-jury inquests. Inquests, which require a jury, are unable to be heard at Flax Bourton and are at the present time heard at Kingsweston House in Shirehampton at a cost of approximately £5,000 per week. This is a significant revenue implication. The refurbishment will allow for jury inquests to be held at Flax Bourton

5. A figure of £400,000 has been provisionally agreed between the councils for the purchase of the freehold interest in the property. However refurbishment works are necessary to bring the court up to an appropriate standard

6. The building currently does not comply with the requirement of the Disability Discrimination Act (DDA) and a full Access audit has been prepared.

	Essential	Desirable
Repairs & Maintenance	119,000	216,000
Disability Discrimination Act Requirements	173,000	65,000
Provision of New Jury Facilities and Internal Alterations	162,000	
	454,000	281,000

The essential works need to be completed in the next financial year in tandem with the construction works for the new mortuary and the remainder ideally within 4 years from that date. All works will have to be carefully planned around the occupation and use of the building by the Coroner.

7) Officers from the other unitary authorities have expressed concern at the extent of the increase in costs and have indicated that only essential expenditure should be incurred

8). If only essential works are undertaken then total cost incurred on purchase of land and works will be £854,000 largely in 2007/2008

9). The allocation of costs between the four Unitary Authorities will be in the same proportion as the current costs described elsewhere in this report.

Bristol	£ 330,000
BANES	£ 146,000
North Somerset	£ 164,000
South Gloucestershire	<u>£ 214,000</u>
	<u>£ 854,000</u>

It is anticipated that the additional running costs will be £40,000 per annum and the savings per annum made by not using Kingsweston House for jury inquests will offset this.

10). The Coroner has made it absolutely clear that the Court must be at a suitable standard for holding inquests

11). The conclusion from the above and the detailed financial information later in this report must be that the refurbishment work is essential to the proper running of the coronial service and that therefore the cabinet should agree this recommendation

A new public and forensic mortuary at Flax Bourton

12). In order to appreciate the need for the new mortuary at Flax Bourton it is necessary to understand

- 1) the different types of post mortem and numbers undertaken in the Avon coronial area
- 2) the present mortuary provision in the Avon area and the problems of the provision
- 3) the costs of storing the dead
- 4) the nature of the funding from the Home Office
- 5) the cost of the new mortuary and how that money will be found

Public and forensic post mortems

13). A post mortem is a medical examination of a body, which is carried out by a pathologist. A coroner can request a post mortem for the following reasons:

- To determine the exact cause of death
- To diagnose the terminal disease accurately and ascertain the existence of unsuspected complications or other disease
- To establish whether a death was related to industrial disease, chemicals or poisons
- To establish whether a death was due to violent or suspicious circumstances
- To establish whether treatment could be improved in the future

The majority of post mortems in Avon (96%) are 'public' post mortems. In the year 2004/2005 there were 2,536 post mortems

14). A forensic post mortem takes place where:

- There may be a legal element e.g. medical negligence
- Where a death is classed as suspicious

This will be coupled with a police investigation.

15). About 4% of post mortems a year are 'forensic' post mortems (i.e. in 2004/2005, there were 102). Forensic mortuaries require more specialist facilities such as:

- A dedicated forensic area
- Facility to take samples at the scene to avoid contamination e.g. DNA contamination
- Observation gallery/CCTV
- Dedicated space for forensic pathologist office and meeting room for police, etc.

Current mortuary provision within Avon

16). Post Mortem examinations are currently conducted on behalf of the Coroner at:

- Southmead Hospital
Both public and forensic post mortems are carried out here and there is storage for 48 bodies and 3 tables.
- Frenchay Hospital
Both public and forensic post mortems are carried out here and there is storage for 53 bodies and 5 tables (one of which is separated).
- Weston General Hospital
Weston General mortuary has improved with money from North Somerset Council, and is currently up to standard. This is a small mortuary processing about 4000 bodies a year.
- Royal United Hospital in Bath

Royal United Hospital mortuary is a reasonable standard facility with 4 tables, which has recently been refurbished.

There was a small mortuary at the BRI hospital, however this has now closed and all BRI deaths are transported to Frenchay mortuary.

17). However, South mead Hospital and Frenchay Hospital are reported to be sub standard. For the third time in a row, the College of Pathologists,(Certificate of Pathology Accreditation) evaluation of the pathology service at Southmead failed. The reports complemented the work of the pathologists, but were highly critical of the standard of the buildings.

18). With the merger of Southmead and Frenchay hospitals, the Frenchay mortuary is due to close. So currently provision is substandard and within a few years the situation will worsen and there will be insufficient mortuary facilities in the Avon area.

19). There is pressure from the NHS trusts for all paediatric post mortems (deceased under 16 years of age) to take place at Great Ormond Street Hospital, London. This would incur cost of circa £800 per post mortem as against £87 if the post mortem takes place within Bristol. It is also the source of yet further distress for the families. If a mortuary were built at Flax Bourton to the standard planned then the advice received from the South West Forensic Pathology Group is that the vast majority of such post mortems would be able to take place at the Flax Bourton mortuary

20). There is nowhere in the area for specialist forensic post mortem facilities, so these post mortems are currently taking place in public mortuaries. However, through the Home Office funding, forensic specialist facilities are being introduced throughout the country in key locations, so it will not be acceptable in the future to conduct forensic post mortems in non-specialist facilities.

21). The consequences of this are considerable –thus if there is no forensic mortuary provision available in the Avon area then the body would need to be transported to, e.g., Birmingham with an increase of cost and yet more grief for the family of the deceased

22). Where the Coroner has decided that there should be a post mortem then the dead bodies have to be properly looked after prior to the post mortem. The bodies are presently stored in local hospitals at a cost of approximately £367,000 per annum (at a cost of £113 per body). The hospitals are seeking an increase of that charge to approximately £650,000 per annum (£225 per body) – which it is claimed equates to the actual costs. If the new mortuary were built at Flax Bourton then bodies could be stored at the Flax Bourton mortuary

Public and forensic mortuary at Flax Bourton

23). An application for funding for a forensic mortuary was submitted in 2005 and failed. The Home Office invited a further application for the funding of a forensic mortuary. A full submission was made on 3rd May 2006. This submission had the support of the Coroner for Avon, the South West Forensic Pathology Group, the Avon and Somerset Police and additional support from the coroners for West Somerset, East Somerset and Wiltshire and Swindon, Notification of the financial support was received on 26th July 2006). Further clarification was obtained from the Home Office that the funding had to spent on a provision at Flax Bourton. The detailed proposal, planning details etc are available as a background paper.

24) The estimated costs to build and fit out a new public and forensic mortuary at Flax Bourton is £2,738,000 this estimate is based on a study undertaken by Mr P Venners of Mortuary Design Service dated July 2005, plus inflation. Mr Venners is a nationally renowned expert recommended by the Home Office.

25) The Home Office has approved grant funding of £864,000 thus reducing the capital costs to the four unitaries to £1,874,000.

26) A condition of the Home Office funding is that it must be accessed this financial year and can only be used for the building of a mortuary at the Flax Bourton site

27) The proposed mortuary will:

- Provide for storage of 110 bodies
- Have 6 public post mortem tables, and one forensic post mortem table (total 7)
- Be open 7 days a week, 8 a.m. to 5 p.m. Bank holidays and weekends (if post mortems were taking place) would be operated on a call out system.
- Be able to deal with the estimate 150 forensic post mortems per annum (Avon and surrounding areas) and the estimated 50 non-forensic post mortems a week
- Have the mortuary body storage facilities that would be adequate for predicted usage

Conclusion

28). There is a need for new public mortuary and there is a need for a new forensic mortuary in the Avon area. There is funding available but only for this year and only for Flax Bourton. There is a risk of even more expenditure required for the storage of the dead. There is a financial strategy, which will enable the capital outlay to be dealt with. Whilst there has been no formal agreement from the other unitary authority, there has never been any disagreement to the proposal and they have been kept informed and involved throughout. It would appear that on the facts that there is very little alternative to the Cabinet but to agree to the recommendation

Time Line

29) The proposed time line is:

1. Appoint design team: mid November 06
2. Finalise detailed design, detailed cost plan and specification of services and equipment: mid February 07
3. Complete tender documentation: mid March 07
4. Tenders returned: mid April 07
5. Accept tenders: May 07
6. Commence construction: mid June 07
7. Completion: April 08

Detailed Financial Plan

30). Attached as an appendix is a financial plan which compares the cost of continuing to use the hospital mortuaries with the estimated cost of running the service in the new Mortuary facility

31). It is assumed that the charges levied by the hospitals will be at the level recently requested by the hospitals which will become effective within 3 years. The cost of continuing to use the existing hospital facilities is therefore projected to rise to £632,000.

32). Assuming that the net capital cost of £1,874,000 is met from borrowing then the total cost of running the new facility including loan charges is estimated to be £591,000.

33). From a financial point of view therefore the new facility can be funded from within the anticipated revenue budget that will be required to continue using the hospitals.

Risk Assessment

34). **Do nothing.** The accommodation at Flax Bourton would continue to deteriorate with health and safety implications to both staff and public, and continued non-compliance with the DDA.

Impact High **Probability** High

Mortuary facilities will be inadequate at a date in the future, and the local authority will have failed to meet their obligations to ensure that facilities are available.

35). **Purchase and Restore Flax Bourton** – Purchase costs, repairs and maintenance costs and improvement costs as indicated elsewhere in the report which will bring the accommodation up to very good standard. There is no disruption to the Coroner's service and there will be a positive impact on the budget.

Impact High **Probability** Medium

37). **Cost control** -The projected costs of the new build are as set out in the report. This is an estimate based upon the best available information. There is a risk that the cost will not be kept in budget. The mitigation against this risk is the commissioning of appropriate expertise, and the tight monitoring of expenditure as against the budget

Impact Potentially high **Probability** Low to medium

38). **The management of the service** –The mortuary will need to be managed well, with proper professional staffing etc. To mitigate against the risk that it will not be properly staffed and managed expert advice will be sought throughout the process

Impact High **Probability** Low to medium

Equalities Impact Assessment

39. The Coroner's court service provides a service for the whole of the four contributing authorities and therefore covers a wide area. The accommodation must cater for the differing needs of staff and members of the public.

Legal and Resource Implications

Legal It should be emphasised that whilst the formal responsibility for taking decisions on the Coronial Service falls upon Bristol, it is essential that the full support and cooperation of all the affected councils is sought - S McNamara Head of Legal Services

Financial Completed by Phil Hodges, Chief Accountant.

Capital

Refurbishment

Costs of £854,000 for the purchase and essential works are anticipated. This will be funded by Bristol and the other unitaries either from capital receipts or prudential borrowing

New Mortuary

A capital cost of £2,738,000 is estimated for providing the new facility, partially offset by a capital grant of £864,000.

This will be funded by Bristol and the other unitaries either from capital receipts or prudential borrowing

Revenue

Refurbishment

If all of the works are carried out there will be additional loan charges of the order of £85,000 p.a. It is estimated that additional running costs (£40,000 p.a.) will be offsetting savings on the cost of hiring premises for jury inquests.

New Mortuary

Detailed costings are included in the attached Financial Plan attached as an appendix and referred to in the body of the report

It is anticipated that the annual revenue cost (including loan charges) of providing the new facility will be of the order of £591,000

The cost of continuing to use the current hospital facilities for post mortems etc is estimated to be £632,000 although this is £431,000 above the current budget because of increases in hospital charges.

The combined revenue effect of the refurbishment and the new mortuary is estimated to be an increase of approximately £40,000 p.a., of which Bristol's share would be £16,000 p.a.

Land The Coroner's must have accommodation to carry out his statutory role. There are no statutory accommodation requirements. Planning permission has been obtained for the building of the mortuary

Personnel. No advice sought from Human Resources on the basis that the proposal is that staff will remain based as present in the Coroner's service.

Appendices A: Financial Plan

ACCESS TO INFORMATION

Background Papers

Submission to the Home Office for funding, correspondence with consultees etc

APPENDIX A

FINANCIAL PLAN

Comparison of running costs re continuing to use the current hospital facilities with building new Mortuary

Current cost of General & Forensic Mortuary Provision

	Number	Cost per unit	Per annum		
		£	£	£	£
Expenditure					
Hospital public post mortems	2,400	218	523,200		
Forensic post mortems	100	656	65,600		
Hospital body storage	400	110	44,000		
Total cost using using hosp mortuaries					632,800

Capital cost of new Mortuary Provision

Original

Building inc equipment to fit out	2,738,000				
Anticipated Home Office funding	(864,000)				
Funding required from Loan	1,874,000	0			
Loan Charges 10%	187,400			187,400	

Running costs of mortuary per annum

Staffing

1 Senior Technician	1	30,200	30,200		
1 Second Technician	1	24,200	24,200		
4 Technicians (mid Point)	4	18,000	72,000		
Call out Fees	6	3,000	18,000		
			144,400		
Plus 20% on costs			28,900		
Secretarial Support			20,000		
Training			2,000		
Total Staffing					195,300

Management / Facilities costs

20,000

Other on going revenue costs

Energy - Heating/ lighting/power/water			42,000		
Insurance			1,000		
Additional body transport to central point			50,000		
Weekly collection of clinical waste			2,500		
Supply & collection of laundry			5,000		
General building maintenance			21,000		
Maintenance of equipment (fridges)			3,000		
Annual replacement of consumable equipment			30,000		
Renewal provision for other equipment			4,000		
Rates payable			20,000		
Histology costs (currently paid by hospitals)			15,000		
Increased travelling costs -re autopsies			10,000		

Total **203,500**

Total expenditure

606,200

Income

Potential Forensic PMs Som/Glos/Wilts	50	300			(15,000)
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Net Cost of new Provision

591,200

Reduction in Cost over current Mortuary Provision

(41,600)