

Notice of KEY Executive Decision (Special Urgency)

Subject Heading:	Implementation of Business Continuity Measures – Bereavement & Registration Service
Cabinet Member:	Councillor Viddy Persaud, Cabinet Member Public Protection & Safety
SLT Lead:	Barry Francis, Director of Neighbourhoods
Report Author and contact details:	<i>Louise Roast</i> <u><i>Louise.roast@havering.gov.uk</i></u> 01708 433498
Policy context:	This decision seeks permission to implement service change measures arising from the impact of the current pandemic.
Financial summary:	Overall increase in income
Reason decision is Key	Significant effect on two or more Wards
Date notice given of intended decision:	<i>This is a decision pursuant to para 11 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, made under “special urgency” with the consent of the Chair of the Overview and Scrutiny Board.</i>

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Relevant OSC:	Towns and Communities
Is it an urgent decision?	Yes
Is this decision exempt from being called-in?	<i>Yes, due to Special Urgency</i>

The subject matter of this report deals with the following Council Objectives

- Communities making Havering
- Places making Havering
- Opportunities making Havering
- Connections making Havering

Place an X in the [] as appropriate

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks permission to enable significant changes and cancellation measures, when required, in the Business Continuity Planning across the Bereavement & Registration Service, in light of the impact of the current COVID Pandemic.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 [Responsibility for Functions] of the Council's Constitution:

Section 3.2 – Powers of the Chief Executive

- (c) To carry out the functions of the Council for civil aid and emergency planning and to take any action, including incurring expenditure, in connection with an emergency or a disaster in the borough.

Section 3.3 – Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

General Powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (c) To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc as required by external regulatory agencies.

STATEMENT OF THE REASONS FOR THE DECISION

This decision is required under "Special Urgency" to allow the Council to plan and undertake effective strategies for working and service delivery during the current Covid 19 outbreak.

Arising from the impact of the spread of the Coronavirus and the pandemic situation the Authority is now in, the Bereavement & Registration Service has reviewed its Business Continuity Planning and recommends that the following emergency actions be authorised, to be taken as such time as the service deems appropriate, to best manage and minimise service disruption, minimise the possible risk and spread of infection, and uphold the reputation of the Council during this period.

The Immediate actions the service wishes to be authorised are proposed to keep in line with Government guidelines to minimise social interaction and reduce social gatherings:

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1) **Weddings/Ceremonies**

It is recommended that with immediate effect all those with Ceremony bookings at Langtons House, up until 30 June 2020, be contacted with a view to being offered the following choices in the following order. (For clarity, a 'Ceremony' is classed as either a legal civil wedding ceremony/ a civil partnership ceremony/ a naming ceremony or a renewal of vows ceremony)

Option 1: Assuming staff availability, for weddings, the ceremony to proceed with Couple only to be married, and 2 witnesses only (legally required). In this way, the Authority is fulfilling its legal obligation to provide a legal marriage. To minimise the financial impact, it is recommended by that the service retain the £100 deposit, to cover the cost of providing the service, which will have been payable in advance, but refund all other monies for each booking, as the Authority will not be fulfilling the original contract, which states that depending on the room selected, allows guests of up to 100 in number to attend.

In the same way for Renewal of Vows & Naming Ceremonies (No legal obligation to provide) the offer will be for couple/parents and 2 guests only.

Option 2: Should couples not be agreeable to option 1, the second option will be postponement of the ceremony until after 1 October 2020, no additional transfer/admin fees to be incurred

Option 3: Should couples not be agreeable to option 1 or 2, a full refund of all monies payable.

2) **New Ceremony Bookings**

It is also recommended that the service cease to offer any new ceremony bookings between now and 1 October 2020 to protect the service resources and add potential time to focus on more critical tasks, e.g: death registration. This decision to be reviewed monthly.

3) **Social Functions/Hall Bookings**

It is recommended that with immediate effect, all social functions and lettings at Langtons Hall be cancelled until 30 June 2020 – and if required, thereafter, cancelled further in 3 month stages. This is due to the fact that these functions are up to 100 people, require staffing and go against the social gathering guidelines currently. They are non essential and poses risks and spread of infection to not only attendees but staff working in the building. A full refund to be given to all customers who have booked and legal advice to be sought on the further ramifications that may arise in the way of legal claims for those who have booked and paid for other suppliers caterers, DJs, etc.

4) **Group Citizenship Ceremonies**

It is recommended that with immediate effect all group citizenship ceremonies at Langtons House are to be cancelled from April until the end of June. Reviewable then and cancelled further if required in 3 month

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stages. There is one ceremony per month, they are not statutory. The ceremonies take place to swear in non-British citizens to become British. Up to 100 people attend each month. For the safety and protection of staff and customers alike it is recommended to adopt this measure. No refunds will be due as citizens do not pay the council directly, however a fee is payable to the Council of £80 per citizen by the Home Office. This decision will affect this income stream. The service will continue providing Individual Citizenship Ceremonies – with only one citizen attending. Stringent measures will be taken to limit human contact at these.

5) Funeral Attendance – South Essex Crematorium/Cemeteries

It is recommended that with immediate effect, funeral parties at the South Essex Crematorium/Upminster Cemetery and Romford Cemetery are restricted to no more than 20 only, It is recognised that due to the sensitivity, a small amount of guests should be permitted. This is a reduction from the current number of mourners permitted of up to 120 in our South Chapel and 40/50 in our East Chapel and Romford/Upminster Cemeteries.

As a secondary measure, we seek permission to, when the service requires it, to cease provision of full funeral services and move to a 'drop off' only of coffin for cremation or straight to graveside for burials. This measure will need to be taken in the event the death rate rises so significantly that we do not have the time or resources to be able to offer full funeral services and in the interests of public health, cremation and burials will need to take place as quickly as possible. Whilst there is a negative financial impact to this as the service would not charge the full cremation funeral fee of £950 (fee as at 1 April 2020) , but a 'drop off' only fee of £560, it is likely to be negated by the sheer volume of cremations.

OTHER OPTIONS CONSIDERED AND REJECTED

The other options considered is to not put measures in place – this has been rejected as it will severe consequences for the Authority, lead to complaints and likelihood of financial compensatory claims

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Louise Roast

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Designation: Head of Bereavement & Registration

Signature: *Louise Roast*

Date: 31/03/2020

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. This report seeks approval to implement emergency business continuity arrangements in connection with the COVID-19 outbreak. The background is as set out within the body of this report and any appendices to it.
 2. The Council has a general power under section 1 of the Localism Act 2011 to do anything that individuals generally may do, including to implement the arrangements proposed in this report. The Council also has a general power under section 111 of the Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of its function.
 3. The Council is a local authority and a best value authority with duties and powers to make arrangements to secure continuous improvement in the way it exercises its functions, pursuant to Part I of the Local Government Act 1999.
 4. Section 2 of the Civil Contingencies Act 2004 requires the Council, as a category one responder, to maintain emergency plans and business continuity arrangements; for the purpose of ensuring that if an emergency occurs or is likely to occur the person or body is able to perform his or its functions so far as necessary or desirable for the purpose of (i) preventing the emergency, (ii) reducing, controlling or mitigating its effects, or (iii) taking other action in connection with it.
 5. As a local authority, the Council has a duty under section 13 of the Registration Service Act 1953, to operate a local registration scheme in respect of births, deaths and marriages occurring within the borough. The detailed procedures to be followed by registrars in relation to the registration of births, deaths and marriages are as set out in the Marriage Act 1949, the Births and Deaths Registration Act 1953 and associated duties under the Registration of Births, Deaths and Marriages Regulations 1963.
 6. Under section 3.2 [Powers of Chief Executive] of Part 3 [Responsibility for Functions] of the Council's constitution (the "Constitution") the Chief Executive has the power, "*to carry out the functions of the Council for civil aid and emergency planning and to take any action, including incurring expenditure, in connection with an emergency or a disaster in the borough*". Similarly, under section 3.3 [Powers of Members of the Senior Leadership Team (SLT)], members of the SLT have delegated authority, "*to take any steps necessary for proper management and administration of allocated portfolios*"; and "*to make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc as required by external regulatory agencies*" subject always to the general provisions and limitations set out in section 3.1 of Part 3.
1. In the exercise of the executive function, officers must comply with the principles of Part 2 [Articles of the Constitution], Article 9 - Decision Making, under which all decisions must be made: proportionately; after due consultation and the taking of professional advice; with respect for human rights as set out in the Human Rights Act 1998 and having regard to the Council's public sector equality duty; with the presumption in favour of openness; with clarity of aims and desired outcomes; after due consideration for the interests of residents and other stakeholders, and in accordance with the Policy Framework.
 2. Under Section 149 of the Equality Act 2010 (the 2010 Act) the Council must, when

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exercising its functions, have due regard to the need to eliminate discrimination, harassment and victimisation and other prohibited conduct and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' under the 2010 Act and those who do not share a protected characteristic. A 'protected characteristic' is defined to mean age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination.

FINANCIAL IMPLICATIONS AND RISKS

There are significant financial consequences to the recommendations in this report.

Between the period of April – June 2020 there are a total of 179 ceremonies & hall hire functions totalling a value of £94,966. Until contacted, we do not know how many customers will wish to postpone or cancel or take up the option of a smaller ceremony, therefore £94,966 should be considered as the worst case scenario financial loss for this period. Should the service extend this further to the period July – Sept 2020 a further maximum loss of £115,467 will be incurred for the cancellation of 188 ceremonies & hall hire functions.

The loss for citizenships is estimated to be in the region of £24,000 over a 6 month period.

The overall estimated loss of income for implementing the above measures is between £118,966 - £234,433.

Aside from the normal rate of cremations and burials, Havering is to expect an additional amount of cremations, which would mitigate the above loss of income.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Given the Coronavirus outbreak, the paramount consideration of the Council is the health and wellbeing of Members and officers.

The human resources can be managed – there is additional workload in administering the service changes but this can be managed by the services

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity, however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.

In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The COVID 19 pandemic is a global and national emergency with serious impact on lives and socio economic activities. National guidance recommends social distancing measures, working from home and only essential travels to reduce further risk to lives. Given the threat to lives posed by the ongoing pandemic, the overriding consideration is to follow national guidance to protect lives.

BACKGROUND PAPERS

Key Executive Decision

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

~~Proposal NOT agreed because~~

Details of decision maker

Signed

Name: Councillor Damian White, Leader of the Council

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 23/03/20

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on

_____ 31/03/2020 _____

Signed *Debra Marlow*