

SURREY COUNTY COUNCIL**CABINET****DATE: 27 MAY 2014****REPORT OF: MRS HELYN CLACK, CABINET MEMBER FOR COMMUNITY SERVICES****LEAD OFFICER: YVONNE REES, STRATEGIC DIRECTOR FOR CUSTOMERS AND COMMUNITIES****SUBJECT: WOKING MAGISTRATES' COURT CONVERSION TO CORONER'S COURT****SUMMARY OF ISSUE:**

Cabinet approval is requested for additional capital investment to provide fit and proper accommodation for the Coronial Service by converting and refurbishing Woking Magistrates' Court, purchased by Surrey County Council in December 2013. The additional investment will enable the Coronial Service to carry out the statutory responsibilities arising from the implementation of the Coroners and Justice Act 2009.

RECOMMENDATIONS:

It is recommended that Cabinet approve:

1. The additional capital investment required to provide fit and proper accommodation for the Coronial Service (see Part 2 for financial detail).
2. The award of the contract and commencement of construction works for the fit out of Woking Magistrates' Court, subject to the appropriate procurement procedures.

REASON FOR RECOMMENDATIONS:

The proposed refurbishment of Woking Magistrates Court (WMC) will enable Surrey County Council (SCC) and HM Coroner for Surrey to fulfil the statutory responsibilities arising from the implementation of the Coroners and Justice Act 2009. Having a dedicated Coroner Court Complex, provides a professional and reassuring environment to bereaved families, and results in a more efficient and effective Coronial Service, as all the staff will be co-located and work will not be required to be undertaken off site.

The additional investment is required because an opportunity to create a second Jury Court, which could generate an income, has been identified. In addition, the original estimates did not include the full requirement for extensive audio/visual equipment within the courts, or include the costs associated with the necessity to have both SCC and Surrey Police networks within the building.

DETAILS:

Background

1. On 24 September 2013, as a result of the implementation of the Coroners and Justice Act 2009, Cabinet approved the following recommendations to relocate the Coronial Service from the current Coroner's Court in Woking to Woking Magistrates' Court:
 - a. The purchase of the freehold interest of WMC.
 - b. That a contract is awarded for the fit out of the acquired property, subject to an appropriate procurement exercise.
2. The main aim of the relocation and refurbishment project is to increase the capacity of the Coroner accommodation to enable the Coroner to fulfil the requisite statutory obligations. The new Coroner's Court enables this because:
 - a. It is a multi-purpose site for office accommodation for the Coroner, the Coroner's PA and the Coronial Staff (c20 staff provided by Surrey Police and 3 staff provided by SCC).
 - b. It has three courts for simultaneous Jury and non-Jury Inquests, without the necessity of additional venue hire. Surrey County Council currently hires out hotel and conference facilities to hold inquests which are expensive and not the best environment for staff or bereaved families.
 - c. It has separate waiting rooms and ancillary facilities for the Coroner, Jury, witnesses, family and Properly Interested Persons (PIPs) which significantly reduces the risk of Jury contamination.
 - d. It provides archive storage for non-public Coronial records for the mandatory 15 years, rather than the current 2.5 years, thereby reducing the administration burden of record retrieval. Records are closed to the public for 75 years and can only be released with the Coroner's permission.

Statutory Responsibilities

3. The purchase and fit out of Woking Magistrates' Court will enable SCC and the Coroner to fulfil the following statutory responsibilities:
 - a. All Inquest Openings, Pre-Inquest Reviews (PIRs) and Jury and non-Jury Inquests to be held in open court and recorded. Every working day, there are approximately two Inquest Openings requiring a court, alongside any PIRs and Jury and non-Jury Inquests already scheduled.
 - b. The date and location of all Inquest Openings, PIRs and Jury and non-Jury Inquests are required to be published within a week of the date being set, requiring the Coronial Service to have immediate control over room bookings and the flexibility to schedule in multiple bookings at short notice.
 - c. Increased national trend for Jury Inquests, requiring larger court accommodation.

- d. It is envisaged that within a year, Area Coroners will be appointed and salaried, resulting in both Jury and non-Jury Inquests happening simultaneously and will therefore increase accommodation requirements.
- e. A Jury is now required for any death that occurs whilst the deceased is “in custody or otherwise in state detention” under the Mental Health Act 1983, whereas previously, this was restricted to deaths which occurred while in prison.
- f. The Death Certification Reforms and the introduction of the Medical Examiner Service is expected in 2015, which will result in approximately 14 part-time Medical Examiners and 6-7 full time Medical Examiner Officers for Surrey. These new roles will be SCC employees and will require suitable and appropriate accommodation, which Woking Magistrates’ Court offers. The roles are expected to be funded through the introduction of a new charge – full details on how this part of the Act will be implemented are awaited from Government.
- g. Increased legal scrutiny and challenge have meant an increasing trend to undertake PIRs, which need to be recorded and held in court.
- h. Each new file must be completed within six months of the date of death; otherwise the Chief Coroner may choose to re-allocate this file to another Coroner, at cost to the originating Local Authority, therefore increasing the necessity for fit and proper court accommodation.

Additional Refurbishment Requirements

- 4. The original estimate for the works was issued on the 9 August 2013 and was based upon a scope of works agreed and identified as “Cleaning, minor alterations and minimal refurbishment” during a site inspection that was carried out on the 7 June 2013 prior to SCC’s purchase of the building.
- 5. After the completion of the purchase, more detailed design works have taken place in consultation with HM Coroner for Surrey, Richard Travers and with Surrey Police. The original estimates have now proved to be insufficient, as the following three main areas have been identified that were not included in the original scope:
 - a. The opportunity to create a second Jury Court has been highlighted by HM Coroner for Surrey, Richard Travers – originally only one was recommended – as this could provide an additional income stream for the Service. Interest has been received from a bordering authority. A conservative estimate of income that could be generated for a six week Jury inquest is between £30-45,000k, this is based on costs of £1,000-£1,500 per day – the County Council currently pays £2,000 per day. The court could also be offered to film crews as is currently done in County Hall. A second Jury Court will also ensure greater resilience for the Service enabling two Jury inquests to take place simultaneously.
 - b. The audio visual equipment necessary to record proceedings (required by law), but also to enable remote witnesses to be seen and heard by all within the courtroom. The detailed inspections highlighted that this equipment was not already in place within the existing court rooms.

- c. The required Mechanical and Electrical (M&E) costs which include: the requirement to have both Police and Surrey networks in the building; Wi-Fi to enable legal representatives to access their online resources during inquests; and bringing extensive additional power cabling into the court rooms for legal representatives.
6. The revised overall refurbishment cost, therefore, has increased and is made up of works, professional services, building commissioning (ensuring all utilities and the lift are functional and safe), 10% project contingency, IT/BT and loose fixtures, fittings and furniture.

Options Considered

7. A paper was presented to the Investment Panel on 18 March 2014 giving details of the additional capital investment required and detailing the following 4 options:
- a. **Option 1** provides 3 courts - 2 x Jury Courts and 1 x Non-Jury court and allows the Coroner and the Coronial Staff to undertake both Jury and Non-Jury Inquests simultaneously from fit for purpose accommodation. This was presented as the preferred option.
 - b. **Option 2** provides 3 courts - 1 x Jury court and 2 x Non-Jury Courts, this option allows for the Coroner and the Coronial Staff to undertake both Jury and Non-Jury Inquests simultaneously.
 - c. **Option 3** provides 2 courts - 1 x Jury Court and 1 x Non-Jury Court and the third court being used as a jury retiring room. This would not achieve the benefits of option 1 as detailed in the aims and objectives above.
 - d. **Option 4** is to carry out works to the original budget. This option is no longer viable as it will not meet the legal requirements to record proceedings and co-locate all the coronial staff.
8. The Investment Panel paper presented Option 1 as the preferred option over the other options because:
- a. At a small additional cost, in comparison to Option 2, a second Jury Court potentially provides a rental income stream, and bordering authorities have already expressed interest. It would also give stronger resilience to the Coronial Service, especially if a national disaster was to happen within Surrey requiring additional work by the Coronial Service.
 - b. It allows both SCC and the Coroner to fulfil their statutory obligations in appropriate and suitable long-term accommodation and provides an enhanced service to the bereaved families of Surrey. HM Coroner for Surrey, Richard Travers, has signed off the detailed design works.
 - c. It will give the Coroner the ability to maximise the utilisation across the 3 courts, each expected to be used 240 days of the year.
9. The Investment Panel agreed that Option 1 was the best way to proceed, but advised that because the original report was considered and approved by Cabinet that this request for additional funding would also need to be presented for Cabinet's decision.

CONSULTATION:

10. The following people have been consulted:
- HM Coroner for Surrey Richard Travers
 - Chief Property Officer John Stebbings
 - Cabinet Associate for Assets & Regeneration Tony Samuels
 - Detective Chief Superintendent Dave Miller, Surrey Police
 - Judy Gavan, Surrey Police Property Department
 - Camille Juliff, Manager Surrey Coroner's Office, Surrey Police

RISK MANAGEMENT AND IMPLICATIONS:

11. The risk to SCC and the Coronial Service if the relocation and refurbishment is not approved is failure to fulfil statutory responsibilities e.g.
- a. Each new file must be completed within 6 months of the date of death otherwise the Chief Coroner may choose to re-allocate this file to another Coroner, at cost to the originating Local Authority, therefore increasing the necessity for fit and proper court accommodation.
 - b. All Inquest Openings, Pre-Inquest Reviews (PIRs) and Jury and non-Jury Inquests to be held in open court and recorded.
12. A summary of the risks associated with the relocation and refurbishment include:
- a. The costs exceed the new cost estimate. A competitive tender procedure has been completed via Build Surrey to ensure the works can be delivered to budget, and a 10% contingency is included to mitigate this risk.
 - b. Refurbishment is not completed and the building is not ready for occupation by 1 September 2014. Only contractors that could complete the refurbishment within the specified timescale have been considered in the competitive tender process in order to mitigate this risk.

Financial and Value for Money Implications

13. The revised overall refurbishment budget has increased. Full details of the estimated capital and revenue costs arising from the purchase of Woking Magistrates Court are set out in Part 2 (item 22).
14. Under the New Burdens Doctrine all new burdens on local authorities must be properly assessed and fully funded by the relevant department. The Ministry of Justice (MOJ) agreed to review any additional burdens arising from the implementation of the Coroners and Justice Act 2009 in December 2014, when there is a possibility that additional funding will become available. A list of burdens has been compiled and is due to be discussed in October 2014 at the Southern Regional Coroners' Managers' Group meeting prior to its' presentation to the MOJ. As yet no date has been set by which the MOJ will make their decision on whether any additional funding will be made available.

Section 151 Officer Commentary

15. The increase in costs was not known at the time of approving the MTFP and is therefore not included in the capital budget. The additional cost creates a revenue funding pressure detailed in Part 2 (item 22).

Legal Implications – Monitoring Officer

16. The Coroners and Justice Act 2009 places a duty on the County Council to provide, or secure the provision of, accommodation that is appropriate to the needs of Coroners in carrying out their functions. This report sets out how the needs of the Surrey Coroner have been assessed and why officers are recommending this refurbishment as an appropriate way to meet those needs. Members also have a fiduciary duty to the Surrey taxpayer and this report also sets out the financial and value for money implications for them to consider.
17. The County Council have acquired the property under the powers granted by S120 of the Local Government Act 1972, which enable it to acquire land (and buildings) by agreement.

Equalities and Diversity

18. Relocation of the service to Woking Magistrates' Court will improve access to the Coronial Service. There is currently no appropriate meeting space for bereaved families to meet members of the Coronial Service. Furthermore, staff located in Woking Police Station are based on the first floor, with no lift access. Woking Magistrates Court is fully accessible, including lifts and disabled toilet facilities.
19. A separate Equalities Impact Assessment (EIA) has not been completed in view of the fact that no potential adverse effects have been identified. This proposal only has positive effects relating to improved access for both staff and bereaved families.

Climate Change/Carbon Emissions

20. The project will meet all statutory obligations in relation to energy and carbon, including but not limited to building operation (Display Energy Certificate and Energy Performance Certificates, where required), reporting requirements under the Carbon Reduction Commitment (CRC) Energy Efficiency Scheme and our role as a Planning Authority for our own developments. We will incorporate and invest in energy efficiency measures, and other carbon reducing technologies, considering payback, scale of benefit and feasibility. We will eliminate energy waste through efficient plant and building operation.

WHAT HAPPENS NEXT:

21. If approved, a Strategic Sourcing Plan submission will be prepared and sent to the Procurement Review Group (PRG) for Contract approval on 3 June 2014.
22. If approved by PRG, the Chief Property Officer will then award the contract for the refurbishment of the property, to allow occupation by 1 September 2014. (The Cabinet, at its meeting on 4 February 2014, agreed that authority to award future construction contracts above £500,000 in value, where a competitive tender procedure has been followed through the Build Surrey portal, be delegated

to the Chief Property Officer in consultation with the Head of Procurement, Cabinet Associate Member for Assets and Regeneration, Cabinet Member for Business Services, the Leader of the Council and Section 151 Officer.)

- 23. The successful and unsuccessful letters can be sent to all tenderers after the contract award decision.
- 24. Property will make progress to lease the existing Coroner’s Court by 1 February 2015.
- 25. Terms of the agreed Surrey Police relocation of their Coronial staff will be formalised.

Contact Officer:

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Consulted:

Cabinet Member for Business Services, Denise Le Gal
 Cabinet Associate for Assets and Regeneration, Tony Samuels
 Richard Travers, HM Coroner for Surrey
 Camille Juliff, Manager Surrey Coroner’s Office, Surrey Police
 John Stebbings, Chief Property Officer
 Peter Hopkins, Asset Strategy and Planning Manager
 Peter Hall, Asset Strategy Partner – Acquisitions and Disposals
 Tim Borrie, Senior Property Project Manager
 George Brinkhurst, Property Project Manager
 Zoran Kahvo, Procurement Category Specialist
 Louise Lawson, Senior Principal Accountant
 Detective Chief Superintendent, Dave Miller, Surrey Police
 Judy Gavan, Property, Surrey Police

Sources/background papers:

- September 2013 Cabinet Report
- Coroners and Justice Act 2009 - <http://www.legislation.gov.uk/ukpga/2009/25/contents>
- Death Certification Reforms - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217021/dcp171778_288141.pdf

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