

Scrutiny task group - Crematorium and Cemetery

Tuesday, 17th December, 2013

4.00 - 6.00 pm

Attendees	
Councillors:	Barbara Driver, Rob Reid and Chris Ryder
Also in attendance:	Rob Hainsworth, Tom Mimmagh, Bryan Parsons and Mark Woodward

Minutes

1. APOLOGIES

Apologies were received from Councillor McCloskey.

2. DECLARATIONS OF INTEREST

Cllr Reid declared an interest as his nephew in law had previously been the manager at the Crematorium.

3. ELECTION OF A CHAIR FOR THIS TASK GROUP

Upon a vote, Councillor Ryder was elected as chair.

4. TERMS OF REFERENCE

The chair referred Members to the scrutiny registration form which had been circulated. She invited attendees to introduce themselves and their role in respect of this issue.

Rob Hainsworth (RH) – the operational manager for bereavement services across four sites in Cheltenham, Tewkesbury and Charlton Kings.

Mark Woodward (MW) – service development officer at Ubico and the Cheltenham BC project manager of the project to replace the cremators at the Cheltenham crematorium.

Tom Mimmagh (TM) – property manager responsible for looking after the council's assets.

Grahame Lewis (GL) – director responsible for the line management of this function and had been involved in the issue since mid-July 2013 when the contractor went into liquidation.

Bryan Parsons (BP) – governance, risk and compliance officer who had been involved since July in assessing and identifying the risks of the project. There were now two corporate risks relating to the cremators and these were updated by the Service manager and monitored by the Senior Leadership Team on a monthly basis.

Rosalind Reeves (RR) – Democratic Services Manager and acting as the facilitator for this scrutiny review.

5. OBJECTIVES OF THIS SITE VISIT AND QUESTIONS FOR OFFICERS

Prior to the meeting, members had forwarded a number of questions to officers and a copy of the responses were circulated and are set out below.

Issue	Response
Who project managed' the refurbished cremators, who signed off the works when completed, were they ever completed to the standard that was expected within the contract?	Peter Linsell Management Consultants project managed the supply and replacement of the cremators and associated equipment. The project was never completed before the Contractor, Crawford Equipment Europe, went into liquidation and therefore never reached the expected standard. Elements of the works were signed-off at pre-defined milestones by the Consultant.
Are the cremators running efficiently? Is Cheltenham Borough Council compliant with pollution laws?	The cremators have not run efficiently. Crawford were due to carry out the necessary testing once the installation of the cremators and mercury abatement equipment had been completed. The testing has not been carried out at this time and we are therefore unable to confirm whether the Council is compliant. Environmental Health have been kept informed of our position.
What are the risk assessment and policies, regarding cremators. If there were to be an emergency with any of the cremators within the Chapel, how this would be addressed for the safety of the workforce and public. If the cremators had to be shut down, what measures are in place to cover for this eventuality? Would we satisfy the Funeral Homes which may affect users up to a radius of 25 miles or more?	A project risk register has been specifically compiled for this project which is reviewed at every project meeting. The general risk was transferred to the CBC Corporate Risk Register by the project team following Crawford applying to go into liquidation. We have a Business Continuity Plan for the service, which contains detailed procedures in the event of an emergency or shut down. In the event of an unplanned shut down for a period greater than 48hrs, there are few options other than re-arranging cremations at neighbouring crematoria.
What consultation has been done with clients: Funeral Directors on behalf of the general public.	It is understood that the Manager at the time held meetings with the local Funeral Directors.
How do we ensure that the council continues to follow CBC policy of 'Duty of Care' to our staff who perhaps go above their call of duty when working within this environment.	HR have regular meetings with staff and the Director responsible has been kept informed.
How is ground maintenance kept in good order with the resources at hand.	Seven full-time staff are employed to carry out and maintain the grounds duties. Seasonal workers are also employed during the growing season.

What is the current policy with regard to the planting of large bushes/trees which may cause unnecessary damage to headstones and look unsightly when not maintained by families.	There is no current policy
Can anything be done to increase car parking areas for mourners.	Because of the limited space available and planning restrictions, the options are restricted

Members then had the opportunity to ask additional question of the officers present.

1. Why was the work necessary?
 - the old equipment at the crematorium was not working effectively and was in urgent need of replacement with two of the three cremators now effectively out of action.

2. What was the procurement process for the contract?
 - the council carried out a full procurement process. The specific requirements for the project were set out in a full specification including the special requirements relating to access for any equipment into the listed building. There were a number of valid tenders and a full options appraisal was carried out with Crawfords coming out as the preferred supplier. This included full legal and financial checks following corporate procedures. All the documentation could be available for inspection by the Members if required. TM added that the literature supplied by the company at the time was very impressive and officers were aware that a number of other councils were using cremators supplied by this company.

3. Were any of these references followed up?
 - the company had glowing references from two sites and officers did carry out a site visit and were satisfied with what they saw. On a site visit, the contractor had been keen for them to be left alone with the staff so that they could give their true opinions. They were not made aware of any teething problems at the sites. However this was in 2010 and on a more recent visit to the same site, officers were advised that only one of the cremators installed had been successfully abated. Officers confirmed that the equipment installed was brand new, not reconditioned, and originated from the United States.

4. What is abatement?
 - new regulations have been drawn up which requires systems to be fitted to cremators to remove mercury from the gases emitted to prevent it getting into the air stream. Currently one of the cremators installed has had the abatement system switched on although not tested, and the necessary equipment had been installed in the basement?

5. When did officers first realise that something was wrong?
 - Up until March officers were convinced that the project was going to

deliver on time and to budget. It was a major installation and as such it was expected that there would be some snagging issues to sort out at the start. Initially the contractor blamed the gas supply and once this had been fixed they continued to come up with other excuses. There were also component failures and the company responded quickly in these cases to replace the failed components. Generally they were reactive and attended to resolve problems quickly. The timing of the company going into liquidation was unfortunate as this was just about the time that the council was due to take on responsibility for the equipment.

6. What actions were taken when the contractors went into liquidation?
 - TM explained that in July when Crawfords had gone into liquidation, there was a sum of £80,000 outstanding on the contract. Officers then had to deal with the operational issues as well as considering the options regarding the contract. At the time, the work was 90% complete and as the contractors were no longer supporting the two cremators, officers arranged for expert advice on whether the cremators were fit the purpose and this assessment was then validated by an expert consultant. Arrangements were put in place for some of the staff who had been working for the contractor, to supply maintenance for the equipment.
7. Were other councils in a similar position?
 - officers were in contact with at least 10 other councils and many have adopted a similar approach to Cheltenham, some have found other ways forward.
8. What options did the council have in this situation for financial recompense?
 - product liability insurance would have been taken out by the original contractor and this was a possible source of recompense
 - there may be an option to pursue the original consultant who had recommended the equipment
 - for any claim the council would have to produce a full report justifying its claim and this would take time and resources.
9. What is the current status of the cremators and what is the operational impact?
 - Throughout the installation, the crematorium was only closed for two days during the critical changeover period. The smaller cremator is currently working satisfactorily but the larger one is out of action though it is hoped this will be fully functioning by the end of the week. Crematorium staff are working extended hours to meet the demands starting at 5 a.m. in the morning and working late into the evening beyond the normal 5 p.m. finish. A maximum of two coffins were rolled over to the following day. Each cremation took an average of one hour 40 minutes. Currently they were doing an average of nine cremations per day and once both cremators were in full operation this could be increased to 14.
 - RH was fully aware of the duty of care to staff and all health and safety procedures were being adhered to.

10. Are the families made aware of the potential overnight delay?
 - yes it was already standard practice in their communications to bereaved families that cremation would be guaranteed within 24 hours. This condition was essential in helping the crematorium to run effectively and balance their workload.

11. Why had it taken 5 months and the equipment had still not been fixed? Was it time to cut our losses?
 - the equipment was complex and had sophisticated computer systems to monitor its operation. The original designer had been unable to cope with the volume of business generated and that potentially was one of the reasons for the company's failure.
 - it was important that the council continued to keep the equipment going and going back to the drawing board was not an option. It would take at least two years to go through the procurement process again and there would have to be a business case to justify the replacement cost of any new cremators which could be as much as £1 million. There would also be issues regarding business continuity which must be the priority.
 - officers emphasised that a number of important mitigation actions had been taken and therefore the council was in a much better position than it had been in July. This included addressing hotspots regarding ventilation, fire protection systems, lighting and ventilation and the lining of one of the cremators had been completely dismantled and rebuilt.
 - A technical appraisal by the consultant should be drafted by the first week in January.

12. What are the issues regarding abatement?
 - Neither cremators were currently abated. This was not illegal but the council would be required to pay into a fund in the first year of the new abatement regulations.

13. Councillor Ryder was concerned that there was a lack of trust and confidence in the two cremators and in Cheltenham borough council? What was being done to address this and how much business had been lost?
 - RH confirmed that he had been regularly talking to funeral directors and he suggested members of this task group could meet with them.
 - he was not aware that any business had been lost and there were still some slots before Christmas although they might not be at the times people preferred.

Members concluded that this was an important issue and as such the chair of the scrutiny task group should give feedback to the next O&S committee on 9 January. RH would advise the date in January when the task group could meet with the funeral directors.

The task group then had a tour around the crematorium and were able to see the smaller of the new cremators in operation. They were also shown the equipment which had been installed for abatement purposes and had the opportunity to see the computer panels being operated by the staff.

6. AGREE NEXT ACTION

RH would invite members to a meeting with the funeral directors in January and the task group would hold a further meeting after that to finalise any recommendations. The chair would give an update to O&S on 9 January. MW agreed to produce a timeline of events for the next meeting.

7. DATE OF NEXT MEETING

Following the meeting, RH circulated details of the meeting with Funeral Directors which will take place on 9am on Wednesday 15th January in the Chapel Waiting Room.

Chairman