

Birmingham City Council

Report to Cabinet

20th April 2021



Subject: Refurbishment and conversion of the former Youth Court to relocate the Coroners Service

Report of: Director of Neighbourhoods (Acting)

Relevant Cabinet Member: Councillor Tristan Chatfield, Cabinet Member Finance and Resources
Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods

Relevant O & S Chair(s): Councillor Sir Albert Bore, Resources Overview and Scrutiny Committee

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Ladywood		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Reference: 008504/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 The purpose of this report is to request approval for additional capital funding to complete the refurbishment and conversion of the former Youth Court to relocate the Coroners' Service.

2 Recommendations

That Cabinet:

- 2.1 Authorises the Chief Finance Officer to earmark a capital sum of £0.428m from the Corporate Contingency, as an additional contribution towards the refurbishment of the former Youth Court to facilitate the conversion for use by the Coroners Service.
- 2.2 Authorises the Director of Neighbourhoods (Acting) to place an order for the construction related works following the completion of the procurement process not to exceed the increased sum of £1.133m (inclusive of fees) to progress the proposal to refurbish and fit out the former Youth Court Building.
- 2.3 Authorises the Director of Neighbourhoods (Acting) to place orders for the supply and fit out of the ICT and digital services and the fit out of furniture not to exceed £0.150m.
- 2.4 Authorises the City Solicitor to prepare, negotiate, execute and complete all relevant legal documents to give effect to the above recommendations.

3 Background

- 3.1. A report and Full Business Case (FBC) were approved by Cabinet on the 21st April 2020 for the 'Purchase and refurbishment of the Youth Court'. A sum of £1.03m was identified within the report for the refurbishment and conversion of the former Youth Court building on Steelhouse Lane to provide the Coroners Service with 3 courts, front facing public facilities and back of house offices, meeting rooms and welfare facilities. The Coroners Service are currently sited in the adjacent building at 50 Newton Street, B4 6NE. The existing accommodation provision is no longer fit for purpose. There is only one court room (which does not meet the Service requirements), limited disabled access and the building is in an overall poor state of repair.
- 3.2. The purchase of the former Youth Court was completed on the 12th June 2020 and thereafter the City Council took vacant possession of the building. A full complement of intrusive surveys was carried out that could not be progressed until the building was in the council's ownership. The surveys identified areas of work that had not been included within the original estimated costs for the refurbishment. They also identified areas of the building which had failed specifically the roof which was beyond economical repair. There is evidence that the roof has undergone previous patch repairs. The original Cabinet Report only included for further repairs rather than a full roof replacement. Adverse weather has caused further deterioration of the roof coverings with water accessing the internal fabric of the building causing further damage.
- 3.3. The buildings heating system operated off a District supply from Victoria Law Courts. The Ministry of Justice (MoJ) approved a 12-month extension of this

use from vacant possession however the supply would thereafter be terminated. Due to the disruption these works would cause to the service it was concluded that a new supply and heating system would need to be included within the refurbishment works.

- 3.4. The existing Coroners Court has one operational court, it is proposed that the new facility will have 3 courts. On receipt of vacant possession, the design process commenced which included the repurposing and reconfiguration of the former youth Court. The furniture for the court rooms is very specific and is bespoke to fit each room. On completion of the layout design both the ICT and furniture fit out of the courts, front facing public areas and back of house offices has been investigated and recent quotes show the cost far exceeds what was originally anticipated. This is due to the court room furniture being bespoke and specific to each court. It is essential to ensure the building can operate in a manner which meets the needs of the Coroners Service and creates an appropriate environment for grieving families. Transferring the existing furniture which is in a poor condition is not an option. Also, the unusual shape of the building dictates that some of the rooms could not accommodate existing items.
- 3.5. As stated earlier, the existing Coroners Court only has one operational court, a second court was provided by Solihull Metropolitan Borough Council . This is no longer available meaning the Coroners Service is operating from two /three sites in the city centre at an additional revenue cost to the Service. There has been an increase in workload over the last five years, which has been exacerbated during the Current Covid19 pandemic. Jury inquests require much larger spaces to occur during the pandemic in line with the requirements of the Ministry of Justice. This has increased revenue costs.
- 3.6. The existing Coroners Court and the refurbished former Youth Court building on completion will operate in parallel for the first few months prior to the Newton St building being closed and decommissioned.
- 3.7. The Coroner is an independent judicial office holder with a statutory responsibility to investigate all violent or unnatural deaths, deaths where the cause is unknown and deaths in custody or state detention. The nature of the cases means they often involve other agencies and the independence of the Coroner is paramount in all we do to ensure an open and transparent service for families and interested persons. For that reason, it is important that they can operate from one building independently whilst conducting the judicial role.
- 3.8. Due to the extremely poor condition of the roof and the increasing issue with water ingress creating further damage to the internal building fabric the replacement roof works has been procured as a separate contract in order to avoid further costs apportioned to making good the building from water damage. A further competition exercise has been carried out via the Construction West Midlands (CWM) Building Fabric Lot 1 framework agreement for the replacement

of the roof works and an order placed with Graham FM. Work commenced in early January 2021 with completion estimated in April 2021 dependent on the weather.

- 3.9. The main refurbishment works are being tendered using the CWM#2 Capital Works Lot 1 framework agreement. Work is programmed to start on site on the 7th May 2021 and completion anticipated by 27th September . The building will be operational as of November 2021 to allow for a commissioning and training period.

4 Options considered and Recommended Proposal

- 4.1 Do nothing – this is not a feasible or viable option. The refurbishment and fit out needs to be of a reasonable standard to enable the Coroners Service to operate effectively and efficiently in a building that is fit for purpose to allow this to happen.
- 4.2 Reduce the scope of works proposed - the scope of works only includes essential works to provide a building that can meet health and safety requirements together with the needs of the Coroners Service. There is no allowance for a reduction to the scope.
- 4.3 The recommended proposal is that the additional funding is identified to enable the additional works and fit out to be carried out within the allocated programme and to avoid any delays to the building becoming operational.

5 Consultation

- 5.1. There has been no formal public consultation, as this proposal is part of a statutory obligation for the City Council to provide a Coroners Service.
- 5.2. The proposal for additional capital funding was presented to the Capital Board on the 12th November 2020 whereby further information was requested in the form of a more detailed financial analysis of costs which has been carried out by Acivico Ltd.

6 Risk Management

- 6.1 The main risks are
 - 6.1.1 If additional funding is not secured, the refurbishment project will have to be scaled back meaning the requirements of a fit for purpose Coroners Court are not realised impacting on their ability to provide a modern first-class service.

- 6.1.2 The actual cost of the work exceeds the budget available when the tendering exercise is completed – a cost plan has been provided by Acivico Limited based on the outcome of the intrusive surveys , design and specification. It also includes a contingency which will be sufficient to offset any additional/unknown costs.
- 6.1.3 Covid19 - potential impact on labour, cost and lead in for building materials. As well as inclusion of a contingency to mitigate any unforeseen additional costs the contractor will be required to submit their own programme which will highlight areas of float that can be utilised to amend the delivery of some activities.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 This proposal supports the priorities outline in the Birmingham City Council Plan 2018 -2022 specifically it contributes to Outcome 1 Birmingham is an entrepreneurial city to learn, work and invest in due to the investment in the City building (Priority 2) and by improving the environmental performance of the building when refurbishing, contribution is also made to Priority 4 of Outcome 4 'Birmingham is a great, clean and green city to live in' and Priority 2 of Outcome 6 'Birmingham is a city that takes a leading role in tackling climate change'.

7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

The estimated construction and fit out costs are below the threshold for works for the BBC4SR. However, the payment of the Real Living Wage will apply and form part of the conditions of the contract.

7.2 Legal Implications

- 7.2.1 Section 24 (1) of the Coroners and Justice Act 2009 requires the relevant authority to "provide, or secure the provision of, accommodation that is appropriate to the needs of the coroner for that area in carrying out their functions". The relevant authority must also "maintain or secure the maintenance of" such accommodation. In deciding how to discharge the above duties, "the relevant authority for a coroner area must take into account the views of the senior coroner for that area (Section 24 (4) of the said Act).

7.3 Financial Implications

- 7.3.1 The capital sum of £1.030m was identified from the Capital Corporate Contingency allocation outlined in the Financial Plan 2020-2024. Provision is available for the additional £0.428m to be funded from the same allocation. The total allocated capital budget required for this proposal is £1.458m.

- 7.3.2 It should be noted that the Full Business Case appended to the Cabinet Report of the 26th April 2020 stated that costs at the time were indicative (as the building was not in the council's ownership at that time) and were not based on surveys.
- 7.3.3 Acivico Limited have produced a cost plan which indicates the proposals can be delivered within the overall total budget. The total project costs are detailed in the table below:

Project	2020/21 £	2021/22 £	2022/23 £	TOTAL £
Total construction cost	27,500	1,080,311	24,867	1,132,678
Other associated project costs:				
Furniture, Fittings & equipment (including ICT)		150,000		150,000
Replacement roof cost*	175,108			175,109
Total associated costs	175,108	150,000		325,109
Total project cost	202,608	1,230,311	24,867	1,457,786
Approved Budget				1,030,000
Budget shortfall				427,789
*roof works have commenced on site.				

- 7.3.4 Further delays in delivering the project will risk increased revenue costs incurred due to the high cost of having to hire temporary court facilities, including the ongoing impact of Covid-19 restrictions meaning that jury inquests have to be held in much larger premises.

7.4 Procurement Implications

- 7.4.1 A procurement strategy was not included as part of the Cabinet Report and Full Business Case approval of the 21st April 2020. Cabinet was advised of the forthcoming procurement activity for the refurbishment works in the Planned Procurement Activities Report to Cabinet dated 9th February 2021. It was noted in the report that no contract award will be finalised until the additional funding is approved. The project will be administered by Acivico Limited and tendered in Lot 1 as a single contract via the CWM#2 framework agreement.

7.5 Human Resources Implications (if required)

- 7.5.1 The movement of staff to different locations is governed by a specific human resources procedure. This procedure will be followed when the former Youth Court is refurbished and for occupation.
- 7.5.2 Professional services to support the project will be provided by Property Services, Finance, Procurement and Legal Officers who will be engaged to deliver this proposal with technical support from Acivico Ltd.

7.6 Public Sector Equality Duty

7.6.1 An initial Equality Impact Assessment was undertaken and appended to the Cabinet Report and FBC of the 21st April 2020 Ref No: EQA467.

8 Background Documents

8.1 Cabinet Report and Full Business Case 'Purchase and Refurbishment of the former Youth Court' 21st April 2020.

8.2 Planned Procurement Activities Report dated 9th February 2021

List of appendices accompanying this report:

None