

## **CABINET ITEM COVERING SHEET PROFORMA**

**AGENDA ITEM**

**REPORT TO CABINET**

**17 JULY 2014**

**REPORT OF  
CORPORATE  
MANAGEMENT TEAM**

### **CABINET DECISION/**

**Leader of the Council - Councillor Cook  
Corporate Management and Finance – Lead Cabinet Member – Councillor D  
Harrington**

#### **CORONER'S SERVICE**

1. Summary

Middlesbrough Borough Council is the lead authority for the Teesside Coroner's Service. Following the resignation of the Senior Coroner for Teesside, Middlesbrough is proposing to produce a business case regarding future options for Teesside's Coroner's Service and has asked for each relevant local Authority's support in this respect.

2. Recommendations

It is recommended that:-

1. The approach outlined in the report is endorsed, and
2. The Corporate Director of Resources and the Director of Law and Democracy are authorised to take any further action on the Council's behalf which may be required, including in relation to the proposed business case, in consultation with the Leader of the Council, and the Cabinet Member for Corporate Management and Finance.

3. Reasons for the Recommendations

To support the development of the business case, in order to ensure that the options for coroner arrangements for the area are fully assessed and the most appropriate option chosen.

4. Members Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

#### **Disclosable Pecuniary Interests**

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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**RECOMMENDATIONS**

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**DETAIL**

**Background**

1. The Teesside Coroner's area encompasses Middlesbrough, Redcar and Cleveland and Stockton Councils. Middlesbrough is the relevant (lead) authority under the Coroners and Justice Act 2009 ("the 2009 Act"). Hartlepool has a separate coroner area, while Darlington and South Durham have a joint coroner area.
2. The Senior Coroner for Teesside retired on the 30 April 2014. This created a vacancy from 1 May 2014.
3. The 2009 Act required Middlesbrough to:-
  - Notify the Lord Chancellor and Chief Coroner of the vacancy, to enable the Lord Chancellor to consider if an amalgamation (of coroners areas) is appropriate.
  - Appoint a Senior Coroner within 3 months of the vacancy occurring or request an extension of time.

- Nominate an Assistant Coroner to the interim vacancy
4. The Lord Chancellor has responded to Middlesbrough's notification stating:-
- "The Lord Chancellor would support a merger of the Teesside and Hartlepool coroner areas and looks forward to seeing a business case for amalgamation. He would equally expect to see a business case setting out reasons for not merging the two areas if that is what is decided".*
- "Given the circumstances, the Lord Chancellor is content to allow Middlesbrough six months in which to fill the vacancy under paragraph 5(2) of Schedule 3 to the Coroners and Justice Act 2009".*
5. Middlesbrough has, in the meantime, appointed one of the Assistant Coroners to the role of Acting Senior Coroner for Teesside, and to ensure significant support is available, has appointed the Senior Coroner for Hartlepool as an Assistant Coroner for Teesside.
6. Middlesbrough is now preparing a business case, to assess the case for the Teesside service merging with the Hartlepool coroner area. The business case will focus on identifying the most efficient and effective service for the Teesside and Hartlepool areas that improves performance and meets stakeholder needs.
7. In addition to consulting with the three Councils on the preparation of the case, which will be guided by advice from the Ministry of Justice, Middlesbrough will be consulting with all stakeholders, including the Police, hospital trusts and the ambulance service.

#### **Way forward and Timescales**

8. Middlesbrough has indicated the following as a way forward:-
- Vacancy – Lord Chancellor to be notified (completed).
  - Lord Chancellor responds, stating whether or not a merger should be considered (completed)
  - Ministry of Justice to provide guidance on a business case (completed)
  - A business case to be prepared.
  - Approval of business case
  - Lord Chancellor consults on business case with whoever he thinks it is appropriate to consult with (a stakeholder consultation list will be recommended).
  - Lord Chancellor communicates his views
  - If the Lord Chancellor supports a merger with another area then he will lay orders before Parliament to facilitate this and instruct the lead authority for the new area (currently Middlesbrough Council) to appoint a Coroner for the new area.

- If the Lord Chancellor does not think an amalgamation is appropriate he will instruct the relevant Council to appoint to the vacant post of Senior Coroner for Teesside.
- Middlesbrough Council (currently) to appoint to the post.
- Lord Chancellor and Chief Coroner to confirm proposed appointment.

9. Guidance issued by the Chief Coroner on the 1 May 2014 states:-

*“In the short term mergers of coroners areas are only likely to take place with the agreement of all local authorities concerned..... There is, however, no reason in principle why the Lord Chancellor should not in due course combine areas after consultation but without agreements where there is a clear case for merger”.*

10. The guidance states that if a merger is agreed the relevant Council can choose to either appoint one of the senior coroners from the old areas or appoint via an open competition. Guidance indicates that the first option should usually be the preferred approach. Both options will be explored during the preparation of the business case.
11. A detailed action plan with timescales, where known, is attached at the **Appendix**. It indicates that the six month extension granted by the Ministry of Justice is likely to be insufficient to complete the process outlined above. The Ministry of Justice will be advised of this and an extension sought if required.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

12. None at this stage, however the preferred option arising from the business case process may have financial implications. This will be assessed as part of the business case process.

### **Legal**

13. Completion of the business case is required by guidance that accompanies the Coroners and Justice Act 2009.

## **RISK ASSESSMENT**

14. A business case is required to be completed for the service. Risks will be explored in this process.

## **COUNCIL PLAN IMPLICATIONS**

15. Organisational and operational effectiveness.

## **EQUALITY IMPACT ASSESSMENT**

16. Middlesbrough will be exploring all of the options and impact of each as part of the preparation of the business case.

## CONSULTATION

17. Middlesbrough's proposals for consulting regarding the business case are set out in the report. The report will be available for all Members via agenda.

### Director of Law and Democracy

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Background Papers:

None

Ward(s) and Ward Councillors:

Not ward specific

Property Implications:

None