

CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**12 OCTOBER 2017**

**REPORT OF SMT**

**CABINET DECISION**

**Leader of the Council – Councillor Cook**

**PROPOSED MERGER OF THE TEESSIDE AND HARTLEPOOL CORONER AREAS**

**1. SUMMARY**

The purpose of this report is to seek Cabinet approval to progress the proposed merger of the Teesside and Hartlepool Coroner areas.

An addendum to the business case has been prepared by Middlesbrough as lead authority, which amends some of the recommendations contained in the main business case previously submitted to the Ministry of Justice (“MOJ”) in September 2014

Cabinet is asked to consider the report, the addendum to the business case and the recommendations which flow from the revised proposals.

**2. RECOMMENDATIONS**

It is recommended that Cabinet:-

1. Approves and agrees the submission to the Ministry of Justice of the addendum to the Business Case set out Appendix 1
2. Further revisions to the Business Case and its addendum, which do not fundamentally alter the direction proposed are delegated to the Director of Finance and Business Services and the Director of HR, Legal and Communications in consultation with the Leader of the Council.
3. Authorises the Director of HR, Legal and Communications to undertake all necessary steps required to progress the merger of the Coroner areas in accordance with the directions of the Chief Coroner, Lord Chancellor and/or Ministry of Justice.

### 3. REASONS FOR THE RECOMMENDATIONS

To ensure that appropriate decisions are taken regarding the future direction of the Coroner's service, and that the interests of the local authorities and their communities in that respect are satisfactorily protected.

### 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)

**AGENDA ITEM**  
**REPORT TO CABINET**  
**25 OCTOBER 2017**  
**REPORT OF SMT**

**CABINET DECISION**

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**SUMMARY**

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**RECOMMENDATIONS**

It is recommended that Cabinet:-

1. Approves and agrees the submission to the Ministry of Justice of the addendum to the Business Case set out Appendix 1
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**DETAIL**

**Background**

1. Coroners are independent judicial officers appointed and paid for by the relevant authorities. They are responsible for investigating violent, unnatural deaths and deaths in custody that are reported to them.
2. The Ministry of Justice (MOJ) is responsible for the law and policy governing Coroners and deals with the operation of the current Coroner system. The Chief Coroner, an office created by the Coroners and Justice Act 2009 (2009 Act), is the

head of the Coroner system, assuming overall responsibility and providing national leadership for Coroners in England and Wales.

3. The Council is under a statutory duty to appoint a Coroner and reimburse the cost of providing the Coroner Service.
4. In September 2014, Middlesbrough, Hartlepool, Redcar and Cleveland and Stockton Councils approved a business case for merger based on a a 0.8 FTE position and the slotting in of the Senior Coroner for Hartlepool should “slot in “in the new merged area. That business case was submitted to the MOJ and the MOJ consulted on the proposals, following which they stated that, in line with views expressed by the Chief Coroner, they were unlikely to recommend the merger, unless the Senior Coroner position was full-time and appointed by external competition.
5. Steps have been taken to implement the recommendations of the Chief Coroner and the in particular the addendum highlights the appointment through ‘open competition’ of a Senior Coroner for the Teesside Coroner Area. In addition, circumstances have very recently changed in that the Senior Coroner for Hartlepool, Mr Malcolm Donnelly retired from his role on 30 June, 2017 and Ms Clare Bailey, the Senior Coroner for Teesside has been appointed by Hartlepool Borough Council to the role of Acting Senior Coroner for Hartlepool.
6. There is already a close working relationship between those who work in the Hartlepool and Teesside coroner services’ and given the appointment of a Senior Coroner for Teesside and the retirement of the Hartlepool Senior Coroner, there is clear opportunity to progress the merger of the two coroner areas.
7. The merger is in line with government policy. It has already been stated by the Chief Coroner (following the outcome of the Luce Review) of the intention  
*‘to move towards fewer, larger coroner areas over time, each of which supports a full time coroner case load.’*
8. In addition by itself Hartlepool cannot sustain a sufficient caseload to so support a full time coroner and there is the prospect that a merger could be imposed should it not proceed through agreement of the local authorities.
9. All consultees were supportive of a merger when their views were previously canvassed, but a further period of consultation will be required. Subject to Cabinet approval, and any issue emerging from the consultation, it would be intended to implement the merger from February 2018 (indicative).

### **Next Steps**

10. The addendum to the business case will be taken through the relevant decision-making processes of each authority.
11. The Addendum to the business case and the formal decisions from the relevant local authorities will be forwarded to the MoJ.
12. The MoJ are responsible for deciding whether or not to progress a merger. The local authorities cannot progress any course of action until the MoJ confirm the actions they intend to take.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

13. The savings predicted in the original business case have been delivered by streamlining processes within the Teesside Coroner's Service and the commissioning of services. There are not anticipated to be any further financial savings from the merger.
14. The proposal for cost apportionment between the authorities in a merger area will be on a current cost' basis, rather than by population, to ensure that no authority is immediately financially impacted by the merger itself.
15. An emerging financial pressure is in respect of the re-procurement of the body collection service. This is currently provided on a zero cost basis, but the current provider has indicated that it is not financially viable to continue to provide the service on the basis.

### **Legal**

16. Under the Coroners Act 1988 and the Coroners and Justice Act 2009, the Council has a statutory duty to support the office of the Coroner, including the implementation of any changes to the jurisdiction.
17. Under the Coroners and Justice Act 2009, the decision on and responsibility for making an order to create a new coroner's area rests with the Lord Chancellor. The Lord Chancellor must consult with Local Authorities before ordering a merger but can make an order without the agreement from Local Authorities.
18. There are no legal implications if a merger does not go ahead. As mentioned earlier in the report, given the comparatively low caseload in Hartlepool Coroner Area there is a likelihood that the Lord Chancellor may still take a decision to merge the areas and the Council might find that it had less control over the way in which it was arranged.

## **RISK ASSESSMENT**

19. The Council has an obligation to ensure that appropriate arrangements are in place to meet all legal duties and obligations. The Council must consider the issue of merging with another coroner area to determine the most effective way of delivering and meeting the needs of the residents of the borough. The Council must ensure whatever arrangements are implemented they must be sufficiently robust and resilient to mitigate identified risks.

## **COUNCIL PLAN IMPLICATIONS**

20. Continue to improve the efficiency and effectiveness of our services

## **EQUALITY IMPACT ASSESSMENT**

21. Middlesbrough, as lead authority, completed an impact assessment as regards the whole of the Coroners' areas. This was reported to Cabinet in January 2016 and showed that the decisions proposed will have no adverse impact. This assessment is unchanged by the revisions outlined in the addendum.

## CONSULTATION

22. The Chief Coroner, Lord Chancellor's Department and Ministry of Justice have been engaged throughout the process.
23. Subject to approval, a further period of targeted consultation will take place for a period of 6 weeks on the revised business case as outlined in the addendum. This will be led by the MoJ.

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Background Papers: None  
Ward(s) and Ward Councillors: Not ward specific  
Property Implications: None