

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Coroners Service – Re-organisation

When does the decision need to be implemented? Following decision and end of call-in period

Cabinet Member Contact Details: Alan Tyerman – Cabinet Member for Corporate Services

Director Contact Details: Matthew Fairclough-Kay Director – Corporate Services

1. Purpose of Report

- 1.1 To obtain approval in principle for Torbay Council (as a partner authority) to agree proposals and work with other relevant authorities in Devon to re-organise the Coroner's Service following the retirement of the Senior Coroner in March 2023, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges.
- 1.2 To agree a new lead authority responsible for delivering the Coroners Service that affect Torbay and to agree a new combined Coroner area for the County of Devon.

2. Reason for Proposal and its benefits

- 2.1 First tier authorities have a statutory duty to resource the function of the Coroner's Service that is delivered in their area. Whilst the post of Coroner is a quasi-judicial role and independent in nature, local authorities need to resource the office administration, remuneration and infrastructure of the service. Coroner's jurisdictions do not always follow local authority boundaries and sometimes those councils deliver the service for neighbouring authorities if their portion of the area is smaller. Up until 2013 Torbay Council was the lead for the Torbay and South Devon Coronial area. The Ministry of Justice decreed around that time that nationally they were looking to reduce the number of Coroners from over 200 to around 60 full time appointments and that merger opportunities should always be considered when the service was re-organising or a Coroner retiring. This opportunity arose in 2013 and Torbay and South Devon merged with the Plymouth and West Devon area creating a larger combined jurisdiction. Ian Arrow was the Senior Coroner of this new area and Plymouth City Council became the lead council for delivering the service. The Torbay office/court closed, and operations moved to Plymouth Coroners

Court. In 2022 the Senior Coroner indicated his intention to retire. In March this year Ian Arrow retired from his role leaving the post vacant. Philip Spinney, the Exeter and Greater Devon Coroner (Lead: DCC) has acted up in the role for Plymouth and Torbay since Mr Arrow left as a Senior Coroner needs to be in place in any area even on an interim basis for the progression of cases and inquests, augmented by assistants and deputies. The requirement therefore to review arrangements as to Coroner areas and delivery arose again. Plymouth and Torbay have been liaising with colleagues in Devon County Council as to a possible merger of the service to create a combined Coroner area for the geographical county of Devon. The population of the new area would match the preferred size of jurisdiction as set out by the MoJ. Devon County Council would be the lead council to deliver the service.

- 2.2 The reasons for the decision are Torbay Officers are supportive of this proposal for the following reasons: i) there are opportunities for economies with the merger (in our capacity as a recharge authority for the cost of the service affecting Torbay). ii) we would simplify the arrangements as to coroner posts and remuneration. iii) there are opportunities for the bereaved in Torbay to travel to Exeter rather than Plymouth to attend inquests. iv) there is potential for simplified contractual arrangements with suppliers and SLAs between the authorities in the delivery of the function

3. Recommendation(s) / Proposed Decision

- 3.1. That Cabinet approve in principle the merger proposals, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges; and
- 3.2. That the Director of Corporate Services be given delegated authority to progress re-organisation of the new combined service subject to 3.1 above.

Appendices

Appendix 1: Map of Current Plymouth, Torbay and South Devon jurisdiction (in yellow) which would merge with the rest of the County.

Background Documents

Supporting Information

1. Introduction

- 1.1 Torbay Council, as a partner authority with Devon County Council and Plymouth City Council, intends to re-organise the Coroner's Service following the retirement of the Senior Coroner in March 2023, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges.
- 1.2 A coroner is a special judge who investigates unnatural or violent deaths, where the cause of death is unknown, or because the death took place in prison, police custody or another type of state detention, such as a mental health hospital. The investigation may include an inquest hearing. The coroner's role is to find out who died and how, when, and where they died.

2. Options under consideration

- 2.1 Retain the current service arrangements.

Benefits: No impact or work to alter Coroner area.

Disadvantages: This would be contrary to the guidance of the Ministry of Justice to merge Coroner areas where this may be applicable. Would not take advantage of potential efficiencies / economies that may arise from merger.

- 2.2 Merge jurisdiction with Exeter and Greater Devon.

Benefits: Would take advantage of potential efficiencies / economies that may arise from merger. Simplify appointment of number of Coroners in the Devon area with the associated reduction in costs. Scope for bereaved to travel to Exeter rather than Plymouth for inquests.

Disadvantages: None anticipated.

3. Financial Opportunities and Implications

- 3.1 There are opportunities for economies with the merger (in our capacity as a recharge authority for the cost of the service affecting Torbay). There are also opportunities to simplify the arrangements as to coroner posts and remuneration.

4. Legal Implications

- 4.1 Would meet Ministry of Justice requirements to review and merge co-terminus Coroner areas where the criteria applies.

5. Engagement and Consultation

- 5.1 The following are involved or have been consulted: Internal finance colleagues, senior management, partner local authorities, Devon and Cornwall Police.
- 5.2 Torbay has no assets to close / move or staff affected. Members of the public would benefit from Exeter now being an inquest venue meaning.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 This is a change to the current service, rather than a new service.

7. Tackling Climate Change

- 7.1 Potential for shorter journey times to Exeter for inquests resulting in slight travel impact benefits as regards sustainability / emissions.
- 7.2 No others apply.

8. Associated Risks

- 8.1 Potential risk of challenge / inquiry by the Ministry of Justice if merger opportunities not investigated.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Y		
People with caring Responsibilities	Y		
People with a disability	Y		
Women or men			Y
People who are black or from a minority ethnic			Y

background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			Y
People who are lesbian, gay or bisexual			Y
People who are transgendered			Y
People who are in a marriage or civil partnership			Y
Women who are pregnant / on maternity leave			Y
Socio-economic impacts (Including impact on child poverty issues and deprivation)			Y
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Y		

10. Cumulative Council Impact

10.1 See above potential efficiencies / economies.

11. Cumulative Community Impacts

11.1 N/A

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