

Executive Board 21.09.20

Subject: Appointment of Acting Senior Coroner Pembrokeshire and Carmarthenshire Jurisdiction

Purpose: To seek approval from the Executive Board for the Interim arrangements to the Pembrokeshire and Carmarthenshire Coroner Services arising from the resignation of HM Coroner, Mr Mark Layton on 31 May 2020.

Recommendations / key decisions required:

To seek approval for the temporary appointment on 1 June 2020 of Mr Paul Bennett as Acting Senior Coroner for the Pembrokeshire and Carmarthenshire Jurisdiction

To authorise the necessary steps required to address the issue of amalgamation of the Pembrokeshire and Carmarthenshire Coroner Area with another Coroner Area as required and in accordance with the directions of the Chief Coroner, Lord Chancellor/Ministry of Justice as outlined in this report.

Reasons:

Mr Mark Layton resigned as Senior Coroner for the jurisdiction of Pembrokeshire and Carmarthenshire as of 31st May 2020. Each respective Council in conjunction with the Chief Coroner and Lord Chancellor/Ministry of Justice, have a legal obligation to ensure that the jurisdiction has in place effective coroner service arrangements that are adequately resourced.

However, hand in hand with appointing an interim solution, under the Coroner and Justice Act 2009, the Chief Coroner and Lord Chancellor's Department/Ministry of Justice now require each respective Council to first consider whether the jurisdiction shall be amalgamated with another Coroner area before a permanent Senior Coroner appointment is made.

As the Coroners and Justice Act 2009 requires the approval of both the Chief Coroner and Lord Chancellor to first be obtained before any appointment of a Senior Coroner can take effect. Consent to appointment a permanent Senior Coroner will not be given until the issue of amalgamation of coroner areas is fully considered, hence the reason for this interim appointment.

Relevant scrutiny committee to be consulted NA

Exec. Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr David Jenkins, Resources

Directorate: Chief Executive Report Author: Amanda Bebb	Designations: Electoral and Civil Registration Service Manager	Tel: 01267 228609 Email addresses: abebb@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY

Appointment of Acting Senior Coroner Pembrokeshire and Carmarthenshire Jurisdiction

Following Mr Mark Layton's resignation, normal procedure would be a recruitment exercise undertaken by Pembrokeshire and Carmarthenshire Councils for a Senior Coroner to be appointed. However, under the Coroner and Justice Act 2009, the Chief Coroner and Lord Chancellor's Department/Ministry of Justice now require each Council to first consider whether the relevant Coroner Area should be amalgamated with another Coroner Area before a permanent Senior Coroner appointment is made.

In essence there are two senior coroner vacancies in neighbouring areas as Mr Colin Philips has been the acting senior coroner in Swansea and Neath Port Talbot for quite some time. In such circumstances, it is the policy of the Chief Coroner and Lord Chancellor to explore the option of merging the coroner areas – not least as there would be no incumbent coroner.

With this in mind, the Chief Coroner has asked each respective Council representatives to discuss the way forward. The options will include the possible amalgamation of the Pembrokeshire and Carmarthenshire Coroner area with the jurisdiction of Swansea, Neath/Port Talbot or submitting a business case on remaining as two jurisdictions. Each Council will need to consider whether amalgamation is appropriate and justify the decision it reaches.

If amalgamation is favoured by all local authorities concerned, the Ministry of Justice will undertake formal targeted consultation before a final decision on the issue of amalgamation is taken by the Chief Coroner, Lord Chancellor's Department and Ministry of Justice. A six week consultation will be required subject to approval by each authority's respective Full Council of the business case proposing a merger.

If amalgamation is not favoured, each Council will be required to set out its rationale to the Chief Coroner, Lord Chancellor's Department and the Ministry of Justice, who may or may not accept each Council's position. It is anticipated that the issue of amalgamation is likely to take at least 6months-12 months to conclude. Very little progress has been made to date regarding this possible merger due to the coronavirus pandemic.

Until the issue of amalgamation is addressed, each Council is required to put in place appropriate interim arrangements for the Pembrokeshire and Carmarthenshire Coroner area to ensure that an effective coroner service is maintained. With the support of the Chief Coroner, Mr Paul Bennett, Assistant Coroner for Swansea, Neath/Port Talbot Coroner area was approached and was happy to accept the position of Acting Senior Coroner for Pembrokeshire and Carmarthenshire Coroner Area. Mr Bennett will work in that role 4 days a week with Mr Gareth Lewis (Assistant Coroner) working the 5th day and covering Mr Bennett for leave and sickness. This appointment took effect from 1st June 2020. The arrangements for payment and hours to be worked will remain the same i.e. base salary of £20k with a daily rate of £440 for a part time role of 4 days, 30-hour week, for which each Local Authority contributes 50%. Mr Bennett has confirmed that he is happy to act in this role until such time a permanent solution is found.

There are no alternative options, Pembrokeshire and Carmarthenshire Councils have an obligation to ensure that appropriate arrangements are in place with regards the Coroner Service. Each Council must ensure that any interim arrangements are sufficiently robust and resilient to mitigate any identified risk.

DETAILED REPORT ATTACHED?

NO

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Amanda Bebb, Electoral and Civil Registration Service Manager

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	NONE

IMPLICATIONS

Legal

Schedule 3 paragraph 7 Coroners and Justice act 2009:

Appointment of senior, area and assistant coroners
Appointment of senior coroners

1(1)The relevant authority for each coroner area must appoint a coroner (the “senior coroner”) for that area.

(2)In the case of a coroner area that consists of the areas of two or more local authorities, the relevant authority for the area must consult the other authorities before making an appointment under this paragraph.

Finance

The arrangements for payment and hours to be worked will remain the same i.e. base salary of £20k with a daily rate of £440 for a part time role of 4 days, 30-hour week, for which each Local Authority contributes 50%.. For the Assistant coroner the JNC guidance rate is set at a daily rate of £375, which equates to a total of £10,500. This post covers for the period that the Coroner is not available due to his part time role, which equates to 7 weeks per year. Any additional time worked would have to be time recorded and invoiced at the £375 daily rate.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Amanda Bebb, Electoral and Civil Registration Service Manager

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Pembrokeshire County Council are the lead authority for the jurisdiction. This report is also being presented to their appropriate Council meeting.

5. Staff Side Representatives and other Organisations

Not applicable

**EXECUTIVE BOARD PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

YES

Include any observations here

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection