

Cumberland Shadow Executive

27th March 2023

Collaboration Agreement - Coroner Services

Report from: Cllr Lisa Brown, Deputy Leader (Statutory)
Report Author: Clare Liddle
Monitoring Officer
Wards: All Wards
Key Decision: Yes

1.0 Purpose/Summary of report

- 1.1. The purpose of the report is to recommend entering into an agreement with Westmorland and Furness Council (the "Collaboration Agreement") under which the parties nominate Cumberland as the Relevant Authority for the coroner area of Cumbria and which sets out the arrangements and general terms on which Westmorland and Furness Council will assist Cumberland with the facilitation of the Coroners Service in Cumbria.

2.0 Recommendation

It is recommended that Shadow Executive:

- 2.1. **Confirms the nomination of Cumberland Council as Relevant Authority for the coroner area of Cumbria and agrees to enter into a Collaboration Agreement with Westmorland and Furness Council which sets out the arrangements and general terms on which the councils will cooperate, including paying an agreed share of the costs and reciprocal obligations.**
- 2.2. **Delegate authority to the Monitoring Officer, following consultation with the Deputy Leader (Statutory) to agree and execute the final terms of the agreement.**

3.0 Background and Proposals

- 3.1. Under Paragraph 3(3), Schedule 2 of the Coroners and Justice Act 2009 ("CJA 2009"), Cumberland and Westmorland and Furness Councils must jointly

nominate one of the authorities to be the Relevant Authority for the Coroners Service in Cumbria.

- 3.2. The Relevant Authority is required under the CJA 2009 to provide support to the Coroners Service in Cumbria including providing staff and management, office accommodation and courts and facilities including property maintenance, ICT equipment and support, financial services including financial management, provision of insurance, procurement and commissioning, liaison with other services, payments and petty cash, funding, car parking, inquest support, emergency planning and mass fatalities / DVI support if required, management of the removal of bodies contract, mortuary and pathology provision, liaison with stakeholders such as the MOJ, Remuneration of HM Coroners and expenses, expert witnesses, specialist reports, jury costs, investigations, post mortems, toxicology and histology.
- 3.3. The authority which has not been nominated as Relevant Authority has no obligations under the CJA in relation to the provision of officers, staff or accommodation.
- 3.4. The Relevant Authority also has statutory duties and powers under Schedule 3 of the CJA 2009 in relation to: the appointment and terms of appointment of a senior coroner in the Coroner Area and, if applicable, the appointment and terms of appointment of area coroners and assistant coroners; the resignation of the senior coroners and any area or assistant coroners. The Relevant Authority has a statutory duty to consult with the other authorities in the area before making an appointment of a senior coroner.
- 3.5. Shadow Executive agreed in September 2022 that Cumberland Council would be the nominated authority and it is now proposed that the two Councils enter into a Collaboration Agreement which confirms the nomination and the arrangements and general terms on which the Councils will cooperate.
- 3.6. Under the Collaboration Agreement Westmorland and Furness Council agrees to pay 45% of the costs relating to the provision of the Coroners Service in Cumbria. Cumberland Council agrees to provide the services to the Coroners Service as set out in the CJA 2009 and provide certain information to Westmorland and Furness Council in relation to the provision of those services and the costs.

4.0 Consultation

- 4.1. Consultation has taken place with the Coroner in relation to the arrangements for continued support to the Coroners Service in Cumbria. The decision that Cumberland would be the Relevant Authority was reviewed by the Members

Implementation Board in July and August 2022 and approved by Executive in September 2022 subject to the agreement of a detailed individual Service Specific agreement.

5.0 Alternative Options

- 5.1. The Councils are required to nominate one of the two authorities to be the Relevant Authority. If the two Councils cannot agree on a nomination the Lord Chancellor must determine which authority will act as the Relevant Authority. The Councils could decide to not make a nomination and leave it to the Lord Chancellor to determine.

6.0 Implications

Financial, Resources and Procurement

- 6.1 The Collaboration Agreement sets out the arrangements and general terms on which the Councils will cooperate, under which Westmorland and Furness Council agree to pay 45% of the costs relating to the provision of the Coroners Service in Cumbria. This is in-line with the approach taken in developing the Cumberland Council revenue budget and Medium Term Financial Plan (MTFP).
- 6.2 Agreeing the recommendations set out in this report will provide the necessary delegated authority for the agreements to be completed prior to 1 April 2023, which will ensure sound financial arrangements will be in place to protect Cumberland Councils financial position.

Human Resources

- 6.3 This report raises no direct HR implications.

Legal

- 6.4 The legal requirements relating to the requirement for the Council and Cumberland Council to nominate a Relevant Authority for the Coroners Area and the duties and powers of the Relevant Authority are discussed in the main body of the report.

Health and Sustainability Impact Assessment

- 6.5 Have you completed a Health and Sustainability Impact Assessment? No
- 6.6 If you have not completed an Impact Assessment, please explain your reasons: There are no health and sustainability impacts arising out of the recommendations in this report.

Equality and Diversity

- 6.7 Have you completed an Equality Impact Analysis? No
- 6.8 If you have not completed an Impact Analysis, please explain your reasons: There are no equality impacts arising out of the recommendations in this report.

Contact Officers

Clare Liddle, Monitoring Officer

Appendices Attached to this Report

None

Background Documents Available

None