Appointment of Coroners

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Purpose of the Report

1 To advise the Council of relevant new provisions of the Coroners and Justice Act 2009 in relation to Coroners which have been considered by the Constitutional Working Group.

2 To propose delegations in the Constitution to deal with the future appointments of Coroners in County Durham.

Background

3 The provisions of the Coroners and Justice Act 2009 relating to the appointments of Coroners came into force on 25 July 2013.

4 The Coroner is appointed by the County Council but is not an employee. Once appointed, the Coroner becomes and remains an independent Judicial Officer. The County Council has the duty to pay the Coroner’s salary or fees, and agree other terms and conditions, but there is no contract of employment between the Council and the Coroner.

5 To be eligible for any Coroner appointment under the 2009 Act, a person must satisfy the judicial appointment eligibility condition on a five year basis and be under the age of 70.

6 All appointments of Coroners (Senior Coroners, Area Coroners and Assistant Coroners) must now be made by the relevant authority for the Coroner area.

7 Previously under the Coroners Act 1988, the Coroner appointed his/her Deputy and Assistant Deputy Coroners. Under the 2009 Act, however, it is now the local authority which must make all appointments.

8 Where the Coroner area consists of more than one local authority area as is the case in Durham/Darlington, the relevant authority being Durham must consult with Darlington before making senior Coroner appointments.

9 Guidance issued by the Chief Coroner (Guidance No. 6 Appendix 2) recommends an advertisement and interviewing process for the appointment of Senior Coroners. However, the current Coroner for Durham will
automatically become the Senior Coroner and no appointment process is required at this time.

10 Assistant Coroners may also be appointed by the authority. Under previous legislation, the Chair approved such appointments. It is now a matter for the authority, and guidance has suggested that elected Members may well wish to choose to delegate this function to Chief Officers.

11 Support of and liaison with the Coroner currently takes place within the Resources Service Grouping.

12 On 8 October, the Constitution Working Group agreed to recommend to Council that a delegation be inserted in the Constitution into the Corporate Director of Resources Functions to include Appointment of Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.

13 It is suggested, that the appointment of Assistant Coroners should be delegated to the Corporate Director Resources.

Recommendations and reasons

14 Council is asked to agree to the Corporate Director Resources Functions to be extended to include Appointment of Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.
Appendix 1: Implications

Finance: None specific within this report

Staffing: Appointments process for Coroners (Senior Coroners, Area Coroners and Assistant Coroners) are included within the body of the report

Risk: None specific within this report

Equality and Diversity/Public Sector Duty: None specific within this report

Accommodation: None specific within this report

Crime and Disorder: None specific within this report

Human Right: None specific within this report

Consultation: None specific within this report

Procurement: None specific within this report

Disability Discrimination Act: None specific within this report

Legal Implications: Within the body of the report
Appendix 2: Chief Coroner Guidance – The Appointment of Coroners