



To: Chair and Members of the County Council

Date: 21 March 2012

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Dear Councillor

You are invited to attend a special meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 27 MARCH 2012** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

To receive apologies for absence.

### **2 DECLARATIONS OF INTEREST**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

**4 CHAIRMAN'S DIARY** (Pages 1 - 2)

To note the civic engagements undertaken by the Chairman of the Council (copy attached).

**5 CONSTITUTION REVIEW** (Pages 3 - 12)

To consider a report by the Deputy Monitoring Officer (copy attached) for the purpose of modernising the Council's Constitution and approving proposed changes,

**6 REVIEW OF THE CORONER SERVICE** (Pages 13 - 22)

To consider a report by the Monitoring Officer (copy attached). The purpose of the report is to consider and approve options relating to the provision of a Coroner service and supporting administration for the North East Wales and North Central Wales jurisdictions.

**7 COUNCIL FORWARD WORK PROGRAMME** (Pages 23 - 24)

To consider the enclosed forward work programme.

**EXCLUSION OF PRESS AND PUBLIC**

**Part 2**

It is recommended in accordance with Section 100A (4) of the Local Government Act, 1972, that the Press and Public be excluded from the meeting during consideration of the following item of business because it is likely that exempt information (as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act) would be disclosed.

**8 CAPITAL PLAN 2011 / 12 - 2014 / 15** (Pages 25 - 58)

To consider a confidential report (copy attached) from the Head of Finance and Assets that presents Council with an update on the major projects and seeks approval of the Capital Plan.

## **MEMBERSHIP**

### **Councillors**

Ian Armstrong  
Raymond Bartley  
John Bellis  
Brian Blakeley  
Joan Butterfield  
June Cahill  
Jeanette Chamberlain-Jones  
William Cowie  
Ann Davies  
Carl Davies  
James Davies  
Meirick Davies  
Pauline Dobb  
Peter Duffy  
Michael Eckersley  
Christine Evans  
Gwilym Evans  
Hugh Evans  
Bobby Feeley  
Sharon Frobisher  
George Green  
Ian Gunning  
Diana Hannam  
Colin Hughes

Neville Hughes  
Rhiannon Hughes  
Rhys Hughes  
Glyn Jones  
Huw Jones  
Morfudd Jones  
Richard Jones  
Gwyneth Kensler  
David Lee  
Paul Marfleet  
Lucy Morris  
Peter Owen  
Dewi Owens  
Allan Pennington  
Barbara Smith  
David Smith  
David Thomas  
Selwyn Thomas  
Julian Thompson-Hill  
Cefyn Williams  
Eryl Williams  
Glyn Williams  
Jane Yorke

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## Digwyddiadau wedi eu mynychu gan y Cadeirydd/Events attended by the Chairman

01.03.12 - 20.03.12

<u>Dyddiad/Date</u>	<u>Digwyddiad/Event</u>	<u>Lleoliad/Location</u>
01/03/12	Agoriad Swyddogol Llys Awelon / Official Opening of Llys Awelon - Extra Care Housing Scheme	Rhuthun / Ruthin
02/03/12	Ymweliad Hugh Lewis AC â Y Rhyl / Visit to Rhyl by Hugh Lewis AM	Y Rhyl/Rhyl
02/03/12	Dawns Elusenol Maer Llanelwy / Mayor of St. Asaph's Charity Ball	Llanelwy / St. Asaph
09/03/12	Lawnsiad Strategaeth Hamdden / Leisure Strategy Launch	Rhuthun / Ruthin
12/03/12	100 mlwyddiant yr Arglwydd Langford / Lord Langford's 100 <sup>th</sup> Birthday	Rhuddlan
12/03/12	Cyfarfod ag Ymwelwyr o Wlad Pwyl / Meeting Polish Guests	Rhuthun / Ruthin
14/03/12	Seremoni Wobrwyo Blynyddol 'Crimebeat' Uchel Siryf Clwyd/ High Sheriff of Clwyd's Annual 'Crimebeat' Awards Ceremony (Is-Gadeirydd wedi mynychu / Vice-Chair attended)	Wrecsam / Wrexham
15/03/12	Trosglwyddo goriadau Neuadd y Dref i Gyngor Dref Llangollen / Handing over of Town Hall Keys to Llangollen Town Council	Llangollen
15/03/12	Seremoni Dinasyddiaeth / Citizenship Ceremony	Rhuthun / Ruthin
15/03/12	Digwyddiad Euroscola Event	Rhuthun / Ruthin
16/03/12	Ymweliad Ysgol Pant Pastynog â Neuadd y Sir / Pant Pastynog School visit to County Hall	Rhuthun / Ruthin
20/03/12	Cabinet	Rhuthun / Ruthin

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<b>Report To:</b>	<b>Full Council</b>
<b>Date of Meeting:</b>	<b>27<sup>th</sup> March 2012</b>
<b>Lead Member / Officer:</b>	<b>Councillor Hugh Evans/Gary Williams, Monitoring Officer</b>
<b>Report Author:</b>	<b>Lisa Jones – Deputy Monitoring Officer</b>
<b>Title:</b>	<b>Constitution Review</b>

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## **1. What is the report about?**

One of the Business Transformation Board's Workstreams is to review the Council's Constitution

Members are requested to bring a copy of their current constitution with them to this meeting, in addition to the amended copy (which will be sent under separate cover) where the changes have been highlighted for ease of reference.

## **2. What is the reason for making this report?**

The Council is required to have a constitution by law and with the preparations for the new Council from May 2012, it is a timely opportunity to modernise the current version, making it more transparent to Members, Officers and the public at large. Changes to the constitution need to be approved by Full Council.

## **3. What are the Recommendations?**

- 3.1 That Council determines the frequency at which training on the Code of Conduct for Members should become mandatory, approves the limit of £25 for the requirement to register gifts and hospitality and adopts the amended Code of Conduct to reflect these requirements.
- 3.2 That Council adopts the Protocols referred to in paragraph 4.15.
- 3.3 That Council consider and approve the proposed changes to the Constitution as set out in the report details below.

## **4. Report details**

### **4.1 Code of Conduct**

Members are now aware that a number of authorities provide a financial limit in their code of conduct, below which it is not necessary to register gifts and hospitality. The current code of conduct in Denbighshire does not have any figure which means that Members would technically be in breach of the code of

conduct if they received any gifts and hospitality of whatever value and did not register it. The proposal is that this is set at a limit of £25, the level at which it would be appropriate to allow Members to receive gifts and hospitality up to a value of £25 without the need to register it. The Standards Committee has endorsed this level and recommends to Council that such level is set.

There is also a general consensus from the consultation, that training on the Code of Conduct should also be mandatory. Standards Committee have been consulted on this proposal at its meeting on the 9<sup>th</sup> March, and the majority of the members resolved that annual training should be compulsory for all Members. The report taken by the Monitoring Officer regarding this issue recommended that training should be mandatory once in each term of office, (i.e. once every four years) and any attendance over and above this level, was not mandatory, but good practice. It is therefore a matter for Members what requirement is to be set. In order to make this compulsory, the Constitution and the Code of Conduct has been drafted to reflect this obligation, and Members should be aware that failing to attend the training would in itself then be a breach of the code. Members are referred to the additional wording in the Code of Conduct as set out in Part 5 of the Constitution.

#### **4.2 Member Role Descriptions**

Following on from the member workshop, where these were debated, Officers have taken on board the comments that members made and drafted some changes to the description.

#### **4.2 Champions**

There are a number of Members who have taken on the role of Champion and Officers felt that this should be embedded within the new Constitution reflecting this important commitment.

#### **4.3 Cabinet**

As part of the workshop, Members were provided with information relating to the process by which appointments were made to Cabinet. Currently the Cabinet in Denbighshire is politically balanced. The Leader is able to appoint Councillors to the Cabinet after consultation with the leaders of the political groups. In the event of a political group declining, at the time when Cabinet is being appointed, to take up any or all of its seats on the Cabinet, the Leader may appoint Councillors to fill the vacancy following further consultation with the leaders of the political groups. The rules of political balance will not apply to the filling of such vacancies.

There is no requirement in law for the Cabinet to be politically balanced. Section 24 of the Local Government Act 2000 exempts executive bodies from political balance.

Members were informed of a proposal that had arisen during consultation and been made to the Constitution Review Working Group which was that the rules



of political balance should not apply to the Cabinet as this may provide an incentive for groups to splinter with a potential proliferation of smaller groups in an attempt to manipulate the rules on political balance. The proposal made to the Constitution Review Working Group was that the principles of political balance should apply to appointments to Cabinet, but should only apply to groups with a membership of 5 or more. This was considered to be consistent with the proposals of the Independent Remuneration Panel for Wales which has decided that Group Leader salaries should only be paid to leaders of groups with 10% or more of the membership of the authority, and with Denbighshire's current scheme of allowances which only pays a Group Leader's allowance to a leader of a group with 5 or more members.

The discussion at the workshop revealed a common view that this would promote political stability within the Council. There was general agreement amongst Members that this proposal should be included in the Constitution.

#### **4.4 Planning**

Planning Committee Members will be fully aware of the requirement to attend training in order to participate in this quasi-judicial process. This obligation is now set out in the Constitution, in addition, the Planning Protocol that Members agreed in 2008 is also set out in the Protocols section of the Constitution.

#### **4.5 Standards Committee**

This Committee's terms of reference have been amended, which will include an Annual Report to the Full Council by the Monitoring Officer and Chair of Standards regarding complaints of breaches of the Members Code of Conduct. In addition, at the Members' Workshop on the 24<sup>th</sup> January 2012 Members felt that the Corporate Governance Committee had a role to play regarding attendance by members at training events, and the option of a reference to the Standards Committee.

#### **4.6 Article 12 – Statutory Officers**

All Statutory Officers are set out within this section, with a reference to Part 9.2 which contains the comprehensive scheme of delegation to these Officers.

#### **4.7 Article 13 – Decision making**

The additional obligation here is to ensure regard is had to Equalities and the public sector duty to comply with equality law.

#### **4.8 Signing and Sealing of Documents**

Since the post of Legal Services Manager has been redundant, there have been delays at times in the signing of contracts and court proceedings. The proposal is to extend the number of authorised signatories to certain senior level of qualified legal personnel within Legal and Democratic Services.

#### **4.9 Continual Review of the Constitution**

The proposal is that we have a standing annual item at the least, at Corporate Governance and Full Council, to enable the Council to adopt future changes to the Constitution. Changes on the horizon such as the Local Government Wales Measure, will also necessitate Full Council approving any new obligations.

#### **4.10 Description of Functions**

The current Constitution provides in Part 3 a description of the functions of the authority and describes those functions which are exercised by Council and those which are exercised by the Cabinet. The Constitution currently refers to regulations which have subsequently been updated and describes functions by reference to the regulations. It is not clear from the wording of the Constitution, to an officer, Member or member of the public which are functions of the Council and which are functions of the Cabinet without making reference to the regulations. It was proposed to Members that Part 3 of the Constitution should list those functions which are functions of Council, those functions which are "local choice" functions, those functions which are exercised by the Cabinet or Full Council depending on the circumstances and those functions which are the responsibility of Cabinet. This format is set out in the draft constitution and although it makes the Constitution lengthier, will provide greater clarity for officers, Members and members of the public.

#### **4.11 Committee Terms of Reference**

Members were informed at the workshop of areas which required updating. The Licensing Committee list of powers needs updating in order to include references to the Gambling Act 2005. The Corporate Governance terms of reference need to be amended to include consideration of members' attendance and training. The terms of reference for the Planning Committee would need to be reviewed to ensure that the powers described in those terms were up to date.

#### **4.12 Scrutiny**

The current constitution limits the number of call ins that can be made, and although call in is not a frequent occurrence, it appears inconsistent with the legislation to limit this ability of scrutiny. The minor amendment here is therefore to do away with the limit.

#### **4.13 Contract Procedure Rules**

As part of the workshop, Members were provided with information about the increased flexibility that may be available in respect of "Part B" services.

- When a Public Body procures goods, services or works, it must comply with EU Procurement Legislation, which has been adopted into our national laws by virtue of the Public Sector Contracts Regulations 2006, commonly referred to as the OJEU Regulations.

- The starting point is the overriding EU principles that there must be openness, transparency and equal treatment of bidders. These principles apply to all our procurement activity irrespective of the type of service we are procuring.
- These Regulations separate procurement into either fully regulated procurement under 'Part A' or, largely unregulated procurement referred to as 'Part B'. Health and Social Services are classified currently as Part B and this proposed amendment only relates to this type of procurement.
- The time, effort and expense in following the current procedures under our Contract Procedure Rules is counter productive in that the savings achieved in running a full procurement exercise on each occasion, as opposed to extending the term of the contract, has resulted in negligible savings. There is therefore the opportunity to utilise the flexibility in the legislation for this type of service procurement, to generate efficiency.
- Its important to note that there is a national initiative led by the WLGA to roll out a standard set of CPR's for all Local Authorities. In addition, on the horizon are changes in 2013 to the EU procurement regime, whereby the proposal to merge Parts A and B. Full Council will therefore be likely to consider the Contract Procedure Rules again, but in far greater detail next year.

There is also the opportunity to update the thresholds for award (including the exemption from tendering) of contracts by Cabinet from £250,000 to £1 million. The current thresholds were set back in 2004 and have not been updated since. The current thresholds are as follows:

Up to £100,000 by the Chief Officer  
 From £100,000 to £250,000 by the Lead Member  
 Over £250,000 by Cabinet.

A significant amount of Officer time is spent on the lower value contracts in getting the award approved, in addition increasing the Cabinet threshold will also free up Cabinet time to deal with higher value matters or any other matter. The proposals are:

- a) by the Head of Service having consulted with Chief Finance Officer if the contract value is under £250,000
- b) by the Cabinet Member in whose portfolio the service falls based on a report from the Chief Officer, if the contract value is between £250,000 and £1,000,000.
- c) following a report to Cabinet if the contract value is over £1,000,000.

Members are assured that the legal obligation to comply with the EU Procurement regime remains and does not affect the Councils' internal award levels.

In respect of the Tender Opening Committee, Members were of the view that provided that independent oversight and safeguards were in place then it would not be a requirement that Lead Members be in attendance. The proposed amendment is that the Lead Member is given the opportunity to attend if they wish, and to be given a reasonable notice period. This is now set out in draft within the rules at CPR 22.2 for Members' perusal. The Head of Internal Audit is currently working on the revised system of tender opening in order to look at areas where we can do this more efficiently.

#### **4.14 Standards Committee Hearing Procedure**

The procedure for this Committee to deal with hearings regarding alleged breaches of the Code of Conduct is set out after the Code, to improve transparency and faith in the process.

#### **4.15 Protocols**

- **Self Regulatory Protocol**

There was a discussion amongst Members at the workshop regarding the inclusion of the Self Regulatory Protocol to deal with sub threshold complaints under the code of conduct on a more local basis, where those complaints were made by a Member of the County Council against another Member. Members were of the view that this was a good thing and confirmed that the protocol should be included in the Constitution. This is now set out in the protocols section. The Standards Committee have been involved significantly in the development of this document and recommend its adoption. The Public Services Ombudsman for Wales has also had sight of the draft, and approves the approach being suggested.

- **Protocol for Liaison with Members**

This provides guidance to Officers regarding notification to the local member.

- **Protocol on Members Access to Information**

Guidance to Members on their rights to access information. This document goes further than merely reciting the access to information rules.

- **Code of Best Practice in Planning Matters**

This has already been adopted by Full Council in 2008 but was not previously included within the Constitution.

- **Protocol for Members sitting on Outside Bodies**

The Corporate Governance Committee has agreed that Members be provided with guidance on their role on outside bodies. In addition to this guidance, Legal Services are also looking at a review of the necessity for Members to sit on all the current bodies.

- **Protocol on the role of Chair and Leader in representing the Council.**

This sets out guidance on the above roles regarding visiting dignitaries.

#### **4.16 Scheme of Delegation to Officers**

Most officer delegations contained in the Constitution are delegations to the Chief Executive, who then is able to pass authority down to other officers. It was proposed to Members, and they agreed, that the Constitution should be more transparent and that the scheme of delegations should include details of the Heads of Service to whom delegated powers have been granted.

The proposal is that there should be generic delegations to the Chief Executive and the Corporate Directors, with specific delegations being made to Heads of Service (and to Directors where required or appropriate), set out in a list format in order that any officer, Member or member of the public would easily be able to identify which Officer had authority to take which delegated action. It was stressed to Members at the workshop, that the purpose of such a scheme would be merely to make more open and transparent what currently existed; it was not to in effect to create a whole new raft of delegated powers. Members agreed that the scheme of delegation should be more transparent.

Set out in Part 9.2, is the proposed draft Scheme of Delegation to Officers

This is not a scheme that will mirror their job description, but is a scheme of delegation by Cabinet, Full Council or Committee. Officers whose role involves compliance with a high level of regulation, will inevitably have a far greater level of delegation, in order to achieve a more efficient working Council.

This Scheme, will become a 'living document', and as such will need to be updated as and when new legislation impacts on the work of a Service, or conversely, is repealed. A standing item, at least annually, will be set from here on in, at Corporate Governance Committee and at Full Council, in order to slot in changes to the law, as and when this happens. There will be forthcoming amendments flowing from the Local Government Wales Measure, and this is one area which will necessitate updates to the Constitution and the Scheme of Delegation. Therefore, although there will be an annual standing item, it is likely to be more frequent.

If on a day to day basis, as the Scheme is consulted and followed, there are areas which are not clear or are presenting difficulties in the decision making process or otherwise, then the Senior Leadership Team have been advised that this should be communicated to the Monitoring Officer, to enable this Council to consider what (if the law permits) can be changed to improve processes.

#### **4.17 Freedom of Information**

The concept of a Freedom of Information Panel made up of officers trained specifically to deal with freedom of information requests has been debated previously. The purpose of the Panel would be to provide a consistent approach to the application of exemptions from disclosure. In other authorities where a Freedom of Information Panel exists, the Panel is the only body entitled to exempt any information from disclosure. This results in publication of information being more likely as a consistent corporate approach would be taken to the application of exemptions. The panel is referred to as a delegation within the Officers Scheme of Delegation in Part 9.2

#### **5. How does the decision contribute to the Corporate Priorities?**

The review forms part of the Business Transformation Programme of corporate improvements and contributes to the priority of a high performing Council.

#### **6. What will it cost and how will it affect other services?**

There are no implications for other services as a result of this report.

#### **7. What consultations have been carried out?**

A Member Workshop has been held, questionnaires have been sent by post to all Members individually, Officers have been consulted extensively and a Working Group and two sub-groups were set up and have met regularly; full council have received an overview of the proposals previously.

No external consultation has been identified as being required.

#### **8. Chief Finance Officer Statement**

The changes to the Contract Procedure Rules outlined in section 4.13 are sensible given the fact they have not been reviewed for 8 years.

#### **9. What risks are there and is there anything we can do to reduce them?**

There is greater risk in not updating the Constitution. The revised Constitution must reflect the law and the document will be quality assured by a number of officers from various disciplines.

#### **10. Power to make the Decision**

The Local Government Act 2000 requires the full Council to adopt a Constitution.

The Corporate Governance Committee can make proposals for changes to ensure the Constitution continues to enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations as outlined in the Council's Constitution. That Committee is now

formally making recommendations for this report to be presented to Full Council.

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**Report To:** County Council

**Date of Meeting:** 27<sup>th</sup> March 2012

**Lead Member / Officer:** Councillor Hugh Evans/Gary Williams, Monitoring Officer

**Report Author:** Gary Williams – Monitoring Officer

**Title:** Review of Coroner Service

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## **1. What is the report about?**

The report is about the outcome of a review of the provision of the coroner service for the North East Wales and North Central Wales jurisdictions.

## **2. What is the reason for making this report?**

- 2.1 To outline options relating to the provision of a Coroner service and supporting administration for the North East Wales and North Central Wales jurisdictions, following the death of the previous coroner

## **3. What are the Recommendations?**

- 3.1 That the current North East Wales and North Wales Central jurisdictions be combined to cover the four local authority areas of Conwy, Denbighshire, Flintshire and Wrexham.
- 3.2 That a full-time Coroner be appointed covering the combined jurisdictions.
- 3.3 That Denbighshire County Council be designated as the Lead Authority to accommodate the Coroner and provide the administrative support functions to the service.
- 3.4 That costs be apportioned on a population ratio basis.

## **4. Report details**

- 4.1 Coroners are independent judicial officers appointed and paid for by the relevant local authorities. They are responsible for investigating violent, unnatural deaths or sudden deaths of unknown cause and deaths in custody that are reported to them.
- 4.2 The Ministry of Justice is responsible for the law and policy governing coroners and deals with the operation of the current coroner system. These responsibilities include:
- cross-government liaison on coroner matters
  - queries and advice to ministers, coroners, local authorities and the public
  - liaison with coroners and bereavement groups

- training for coroners and their staff
  - supervision of the amalgamation of coroner districts
  - other statutory casework.
- 4.3 Upon Local Government re-organisation in 1996 three coroner jurisdictions were created in North Wales, of which two are relevant to this report, namely:
- North East Wales covering Wrexham and Flintshire, which is administered by Wrexham County Borough Council.
  - North Wales Central covering Denbighshire and Conwy, which is administered by Denbighshire County Council.
- 4.4 Since 1996 Denbighshire and Wrexham have administered the services separately in line with the responsibilities of their respective councils and their own administrative set ups. It is therefore timely that a review is undertaken for the jurisdictions of both North East Wales and North Wales Central and the available options explored.

### **Current Position**

- 4.5 A Practising Solicitor is currently the Deputy Coroner for both North East Wales and North Wales Central. He has remained the Deputy Coroner following the resignation and subsequent death of the previous part-time Coroner who covered both areas, with his current role often publicly being referred to as Acting Coroner.
- 4.6 Once a Coroner is appointed it is unlikely that any review would take place until such time as the post became vacant. In many cases this can be years as Coroners often hold posts until retirement age or beyond. For example, a Coroner taking up post at the age of 40 years could mean that a review would not be undertaken for at least 30 years, until such time as the post-holder retired.
- 4.7 There is no mandatory retirement age for Coroners. However those who elect to join the local government pension scheme are entitled to continue in the pensionable appointment until 70 years of age and thereafter, from year to year, by mutual agreement with the relevant council. This has the practical effect of most coroners choosing to retire around the time that their pension contributions cease.
- 4.8 It is therefore timely to review the Coroner's service and look at the provision of the service within the two jurisdictions. The Ministry of Justice (MoJ) is keen to explore the potential for amalgamating the two jurisdiction areas particularly as both are covered by part time provision and also advocates the post of a full-time Coroner, as set down in the Coroners and Justice Bill. This is supported by the Coroners' Society for England and Wales who generally seem to prefer this arrangement. This has been the case in one of the more recent reviews, with the appointment of a full-time Coroner for Mid Kent & Medway in December 2010.
- 4.9 The introduction of medical examinations, currently expected to be introduced in October 2013, may also impact on the number of cases investigated and number of inquests held in the future.

## **Caseload**

- 4.10 Based on the latest figures provided by MoJ the average number of deaths reported during the period 2004/2009 was 1242 for the North East Wales jurisdiction and 1612 for the North Wales Central jurisdiction i.e. a total of 2854.
- 4.11 The recommended number of cases which warrant consideration of a full-time appointment is 2000. However there are no strict rules about this and case numbers do vary from region to region as do the options for having a part-time or full-time Coroner. Nevertheless, it has been established that a caseload of 2,800-2,900 reported deaths would be reasonable for a full-time coroner.

## **Budget**

- 4.12 The total annual budget for Coroners in the jurisdiction of North East Wales is £340,065 and in the jurisdiction of North Wales Central £375,461, giving a combined total budget of £715,526. It is important to note that within the North East Wales jurisdiction no specific budget has ever been set aside to provide administrative support to the Coroners' service and historically this has been undertaken on a basis of additional workload and goodwill within the Electoral Services Teams. It does not appear anywhere as an additional cost and therefore does not reflect the true budget position for this service. Within North Wales Central a budget is allocated for Local Authority administration and is highlighted within the budget code.
- 4.13 Although the two local authorities administer the budgets, the overall expenditure is entirely dependent on caseload and therefore out of their control. Annually the budget is consistently overspent in both jurisdictions.
- 4.14 In addition there is no budget provision to cover the potential of 'long inquest payments'. Where such events occur and a part-time coroner is in post, he or she is entitled to an additional payment over and above their normal remuneration. Past experience has shown that this could be a significant expense. For example the inquest which took place in June 2007 into the death of a number of cyclists in Denbighshire resulted in additional payments to the Coroner in the region of £12,500. Should such a requirement arise funds would need to be found and therefore further increase the current overspends.
- 4.15 However the issue of 'long inquest' payments would be eliminated if the option of appointing a full-time Coroner is chosen. This option could be seen as an insurance policy against such unexpected budgetary pressures, especially in the current economic climate.
- 4.16 Appendix 2 shows a cost comparison of the four options outlined in this report. Based on the most recent caseload figures only the option of an amalgamated jurisdiction with a single part-time Coroner shows any significant cost savings. However it is considered unlikely that this option is sustainable in the long term as explained in paragraph 4.21. The full-time Coroner option shows a slight increase in cost.

## **Future Service Options**

- 4.17 Four main options have been identified in terms of future service delivery:

- (i) To maintain the current arrangement i.e. two part-time coronerships, with separate administration functions.
- (ii) To maintain the two jurisdictions, with two part-time coronerships but to amalgamate administrative arrangements.
- (iii) To create a new single jurisdiction covering the four local authority areas, with a single administrative centre and the appointment of one full-time coroner, i.e. there would be a single Lead Authority.
- (iv) To create a new single jurisdiction covering the four local authority areas, with a single administrative centre and the appointment of one part-time coroner i.e. there would be a single Lead Authority.

#### **Option 1 – To maintain the current arrangement**

4.18 Whilst the current arrangement has worked reasonably well it is felt that there are significant disadvantages in continuing with this arrangement. In particular management and control of the service is difficult, with the part-time Coroner being based in his solicitor's practice. In addition there is a duplication of administrative procedures in the two jurisdictions.

#### **Option 2 – To retain two jurisdictions but to amalgamate administrative arrangements.**

4.19 This option eliminates some of the inefficiencies highlighted in option 1 and could eventually lead to savings in terms of more efficient and streamlined processes and procedures. However it would not address the issues relating to greater management control.

#### **Option 3 – To amalgamate the two jurisdictions and appoint a single full-time Coroner**

4.20 This is the preferred option of both the Ministry of Justice and the Coroner's Society. Whilst it is the only option which indicates a potential increase in cost it is felt that the non financial benefits and the greater cost certainty more than compensate for this small increase. In particular issues relating to greater management control would be addressed, with the Coroner being located in council owned premises. The profile of the service would also be raised. It is also possible, in the longer term, that financial savings may be achievable given that there would be a single administrative unit and the efficiencies arising from this arrangement.

#### **Option 4 – To amalgamate the two jurisdictions and appoint a single part-time Coroner**

4.21 This option delivers many of the benefits of the full-time coroner option, together with a potential saving. However this is also the least practical option. Coroner pay scales limit a part-time Coroner's salary at 2000 cases per year. Current average caseloads amount to over 2800 for the two jurisdictions. It could therefore be interpreted that the successful applicant would be undertaking 800 cases or so for no payment. This is unlikely to be an attractive proposition for potential applicants.

- 4.22 A summary of the advantages and disadvantages of each option is attached as Appendix 1
- 4.23 The Officer recommendation from both current Lead Authorities is option 3 i.e. the amalgamation of the two existing jurisdictions and the appointment of a single full-time coroner
- 4.24 Should option 3 be adopted there would only be a need for a single Lead Authority. Accessibility is a key factor in determining this and it is felt that Denbighshire's central location makes it the ideal location for a full-time coroner to be based. The decision as to where individual inquests are held rests with the coroner, who will make the decision based on factors such as accessibility. Inquests could therefore be held in any of the four county areas.
- 4.25 Another factor in deciding who should be the Lead Authority is one of managerial capacity. Only Denbighshire appears to have this capacity at the present time.
- 4.26 It is further recommended that costs associated with the service be apportioned between the four county authorities on a population ratio basis.

### **Legal Implications**

- 4.27 Coroners working in jurisdictions within Wales are deemed All Wales Coroners. However, should a decision be taken to amalgamate the two jurisdictions of North East Wales and North Wales Central, this would require an Order from the Ministry of Justice to bring this into effect.

## **5. How does the decision contribute to the Corporate Priorities?**

Confirming appropriate governance and administrative arrangements for the Coroner Service is consistent with the Council's aims to modernise its services in collaboration with other organisations.

## **6. What will it cost and how will it affect other services?**

- 6.1 The costings are set out in Appendix 2 to this report. The review of the coroner service should not have any impact on other Council services.

## **7. What consultations have been carried out?**

- 7.1 North Wales Police, the North Wales Police Authority and the Betsi Cadwaladr University Health Board have been informed that a review of the Coroner service is being undertaken and have been asked for their views. At the present time only North Wales Police have replied, indicating that "North Wales Police Force has for many years enjoyed a good and effective relationship with the coroners and seeks to maintain this positive relationship". Flintshire and Conwy Councils have also been asked for their views.
- 7.2 The Deputy Coroner has also been consulted and kept up to date with progress relating to the review.

7.3 The Coroners' Society of England and Wales have indicated that its preferred option is that of a full-time Coroner. The Ministry of Justice also supports the option to amalgamate the jurisdictions and appoint a full-time coroner.

#### **8. Chief Finance Officer Statement**

The proposals show a very minor increase in cost of around £1,600 which will be spread across four Councils and should be contained within existing budgets. It should however improve service provision.

#### **9. What risks are there and is there anything we can do to reduce them?**

The review has identified a slight increase in cost in connection with option 3, however, the appointment of a full time coroner will avoid the need to pay long inquest payments which will provide greater budget certainty. The cost will be recharged to the constituent authorities on a population basis

#### **10. Power to make the Decision**

S 1 Coroners Act 1988

**Evaluation of Options**

**Option 1**

**Two separate Part-time Coroners & 1 Deputy, no amalgamation of LA Administration (as existing)**

<b>Advantages</b>	<b>Disadvantages</b>
Retains the status quo	Lack of budgetary control of service
Currently works reasonably well	Complex to manage
	Increased bureaucracy
	Duplication of admin processes
	Risk of duplication of payments
	Risk of long inquests and therefore potential uncontrolled additional cost

**Option 2**

**Two separate Part-time Coroners & Amalgamation of LA Administration**

<b>Advantages</b>	<b>Disadvantages</b>
Amalgamation of LA administration would reduce bureaucracy and duplication and could eventually lead to cost savings	Lack of budgetary control of the service
Reduces possibility of duplicate payments	Complex to manage
No issues about the current system from the public or coroner staff	Risk of long inquests and therefore additional cost

**Option 3**

**Full-time Coroner for amalgamated jurisdictions and administration**

<b>Advantages</b>	<b>Disadvantages</b>
Raised profile of service	Caseload downtime
Potential to build service into a centre of best practice	Slight increase in cost, but no long inquest payments, so the local authorities would be able to budget with more certainty
Coroner manages the jurisdiction	Potential for increased travel time for families to attend inquests if only one court location used for the four authority areas. However this could be overcome by requiring the coroner to travel to hold inquests in different locations
Improved links with all stakeholders	Reduced level of LA involvement at a local level
One central streamlined system	
One Local Authority is facilitator of pay and conditions	
One annual return	
Clear accountability and transparency	
Caseload and service delivery consistent	
No risk of 'long inquests' payments	
Amalgamation of LA administration would reduce bureaucracy and duplication and could eventually lead to savings	

**Option 4**

### **One part-time Coroner for amalgamated jurisdictions**

<b>Advantages</b>	<b>Disadvantages</b>
Currently being undertaken by same person (albeit for two separate jurisdictions)	
Coroner works out of one central office on part-time basis	Combined caseload levels could be too much for part-time post
Transparent	Potential for increased travel time for families to attend inquests if only one court location for the four authorities
One annual return	Could be less interest in terms of applicants for a single part-time position
One central streamlined system and set up	The current number of cases falls outside the payment scales of a part-time coroner
One Local Authority is facilitator of 'pay and rations'	Low remuneration could hinder ability to appoint appropriate calibre candidate
Budget saving	Unquantifiable Long inquest payments could reduce /eliminate any potential savings



Costing of Options

Appendix 2

<b>NET EXPENDITURE</b>
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

CURRENT POSITION - OPTION 1						
2 x Part time coroner	2 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation & expenses reimbursed by LA	Administrator employed by LA	Post mortem and other case costs	TOTAL
97,464	11,790	13,000	36,587		556,685	715,526
95,406	11,104	13,000	36,587	-		156,097
2,058	686					2,744
					556,685	556,685

<b>OPTION 2</b> - Amalgamation of LA administration - Five year average caseload, 2004>2009
<b>NET EXPENDITURE</b>
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

OPTION 2							
2 x Part time coroner	2 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation & expenses reimbursed by LA	Administrator employed by LA	Post mortem and other case costs	TOTAL	SAVINGS / (ADDITIONAL COSTS)
97,410	11,974	12,500	37,000		556,685	715,569	- 43
95,410	10,974	12,500	37,000	-		155,884	
2,000	1,000	-				3,000	
					556,685	556,685	

<b>OPTION 3</b> - 1 full time coroner across 4 counties - 1 part time deputy coroner - Amalgamation of LA administration - LA provide accommodation with court
<b>NET EXPENDITURE</b>
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

OPTION 3							
1 x Full time coroner	1 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation provided by LA	Administrator employed by LA	Post mortem and other case costs	TOTAL	SAVINGS / (ADDITIONAL COSTS)
112,000	13,000	12,500	-	23,000	556,685	717,185	- 1,659
110,000	12,000	12,500	-	21,000		155,500	
2,000	1,000	-				3,000	
				2,000	556,685	558,685	

<b>OPTION 4</b> - 1 part-time coroner across 4 counties - 1 part time deputy coroner - Amalgamation of LA administration - LA provide accommodation without court
<b>NET EXPENDITURE</b>
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

OPTION 4							
1 x Part time coroner	1 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation provided by LA; court hired	Administrator employed by LA	Post mortem and other case costs	TOTAL	SAVINGS / (ADDITIONAL COSTS)
66,960	8,470	12,500	5,000	23,000	556,685	672,615	42,911
64,960	7,470	12,500		21,000		105,930	
2,000	1,000					3,000	
			5,000	2,000	556,685	563,685	

County Council Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Council Decision required (yes / no)?	Author – Lead member and contact officer
17 April					
15 May (annual Meeting)	1	Joint Supplementary Planning Guidance on the Pontcysyllte Aqueduct and Canal World Heritage Site	To seek the adoption of the SPG	Yes	Eleri Evans / Graham Boase
	2	Annual Report of the Scrutiny Committees	To report the activities of the scrutiny committees during 2011 / 12.	No	Rhian Evans / Rhys Hughes
	3	Review of Political Balance	A statutory annual review of political balance arrangements	Yes	Gary Williams / Steve Price

**Future Meeting**

Date	Item (description / title)	Purpose of report	Council decision required (yes / no)?	Author – Lead member and contact officer
September 2012 (tbc)	Annual Performance Review 2010 / 2011	To approve the Council's Annual Performance Review	Yes	Tony Ward / Alan Smith

County Council Forward Work Plan

Date	Item (description / title)	Purpose of report	Council decision required (yes / no)?	Author – Lead member and contact officer
		document.		
Council Briefing - Date tbc	Presentation by the Empty Homes Officer	Proposed by the Performance Scrutiny Committee on 1 December 2011 to inform of the post's roles and objectives	No	Tbc
Council Briefing – June / July 2012	Presentation on the North Wales Adoption Service, the Corporate Parenting Forum and councillors' corporate parenting responsibilities	To advise Members of their roles and organisation and performance information.	N/A	Julie Moss

Note for officers – Full Council Report Deadlines

<i>Meeting</i>	<b>Deadline</b>	<i>Meeting</i>	<b>Deadline</b>	<i>Meeting</i>	<b>Deadline</b>
<i>April</i>	<b>3 April</b>	<i>May</i>	<b>1 May</b>		

Updated 16/3/2012 - SP

Council Work Programme.doc

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