

Report to:	JOINT CABINET MEMBER AND ACTING STRATEGIC DIRECTOR OF PLACE	
Report of: Date of Decision:	ACTING STRATEGIC DIRECTOR OF PLACE 12 th January 2017	
SUBJECT:	BIRMINGHAM INQUESTS (1974)	
Key Decision: No	Relevant Forward Plan Ref:	
If not in the Forward Plan: (please "X" box)	Chief Executive approved	<input type="checkbox"/>
	O&S Chairman approved	<input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member	Councillor Clancy, Leader	
Relevant O&S Chairman:	Councillor Mohammed Aikhlaq, Corporate Resources and Governance	
Wards affected:	Not Applicable	

1. Purpose of report:
1.1 To note the appointment of the Coroner, His Honour Peter Thornton QC by the Secretary of State as the Coroner for the Birmingham Inquests 1974.
1.2 To seek approval to use the Civil courts at Bull Street, Birmingham.
1.3 A private report contains further information to appoint the resources requested by the Coroner and for the payment of his fees.

2. Decision(s) recommended:
That the Leader jointly with the Acting Director of Place:-
2.1 Approves the use of the Civil Courts at Bull Street, Birmingham.
2.2 Notes the Public report.

Lead Contact Officer(s):	Alison Harwood, Acting Director, Regulation & Enforcement
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3. Consultation
<p>3.1 <u>Internal</u></p> <p>The Chief Executive has been notified of the appointment of His Honour Peter Thornton QC by the Secretary of State as the Coroner for the Birmingham Inquests 1974. He has also been consulted on the proposed process of the Birmingham inquests 1974 and the necessary appointment of Counsel and Solicitors to the Inquest. They have also been consulted on the potential for the appointed solicitors to make an application to Central Government for funding the process.</p> <p>3.2 <u>External</u></p> <p>The Senior Coroner for Birmingham & Solihull has been consulted on the process.</p>
4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>Yes as this is a statutory requirement of the City Council under the Coroners & Justice Act 2009.</p> <p>4.2 <u>Financial Implications</u></p> <p>There is a statutory obligation on the City Council to fund this inquest and it will be required to identify staff, accommodation and financial resources. There is no funding. In the current approved budgets for the Regulatory Services (Coroners Service) in 2016/17 and no provision in the proposed budget for 2017/18. Any costs incurred in the interim will have to be funded from corporate policy contingencies while the application for national resources is determined.</p> <p>In a letter dated 9th November 2016 from the Chief Executive to the Secretary of State for Justice and Lord Chancellor notice was given that the City council would be making a submission for financial assistance from central government. If the submission for financial assistance is not successful, the city council will be required to identify sufficient resource to cover the inquest.</p> <p>At this stage it is not possible to establish or estimate the financial implications to the City Council as the scope of the inquest has not been established. His Honour Peter Thornton QC has indicated that following his scoping of the inquest which is scheduled for February 2017 (although this may well be delayed as the families have yet to establish whether they will obtain legal aid) it should be possible to provide a meaningful estimate of the resources required.</p> <p>The appointment of a solicitor to the inquest would facilitate the submission of an application to central Government for funding. This application will require detailed costings and projections which His Honour Peter Thornton QC recommends be produced by an expert in the field.</p> <p>4.3 <u>Legal Implications</u></p> <p>The Coroners & Justice Act 2009 places the city council under a duty to administer and fund these inquests.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>Not Applicable</p>

5. Relevant background/chronology of key events:

- 5.1 Following submissions made by some families of the victims of the 1974 pub bombings in Birmingham to the Senior Coroner for Birmingham & Solihull, she was required to make a decision on re-opening the inquests into these deaths. These submissions were made due to the overturning of the convictions of those originally convicted of the offences which meant that the original inquests had not been concluded.
- 5.2 The Senior Coroner for Birmingham & Solihull, at a hearing on 1 June 2016, ordered that the inquests into these deaths should be resumed and inquest hearings conducted.
- 5.3 In October 2016, following a request from the senior coroner, the Lord Chief Justice after consultation with the Lord Chancellor and pursuant to Schedule 10 to the Coroners and Justice Act 2009 nominated His Honour Peter Thornton QC (formerly the Chief Coroner) as the judge (coroner) to conduct these inquests. The inquests will be conducted together in one set of proceedings.
- 5.4 On 1st November 2016 His Honour Peter Thornton QC sent a letter detailing his proposed fees.
- 5.5 His Honour Peter Thornton QC has approached Birmingham City Council with a memorandum to local authority on funding on the 15th November 2016 and a letter dated the 21st November 2016. These included the appointment of Counsel, Solicitors and the preparation of an application to central government for funding for these inquests.
- 5.6 His Honour Peter Thornton QC has identified that the Civil Courts, Bull Street Birmingham, would be a suitable premise to hold the inquests. The costs associated with this building are yet to be confirmed.
- 5.7 On the 21st December 2016 His Honour Peter Thornton QC met with Senior Officers of the City Council to discuss the outline requirements for the inquests. This has been followed up with a letter dated 21st December 2016 in which he explains his reasoning for the appointment of solicitors to the inquest. The City Council has a Statutory duty to provide the Coroner appointed to this inquest with the necessary resources to carry out his judicial function. As he highlights in his letter the kind of work required for this inquest is outside the experience of Birmingham City Council and will require expert assistance.
- 5.8 Without a solicitor there is likely to be unavoidable delay which is not in the interests of any parties involved. In an Article 2 inquest of this kind, where the State has a duty to investigate and that duty is delegated to the coroner as an independent judicial office holder, the law says that there must be 'reasonable expedition' in completing the proceedings, even though the events were many years ago.

6. Evaluation of alternative option(s):

- 6.1 There are no alternative options.

7. Reasons for Decision(s):
7.1 To prevent delay of the inquests into the deaths of 21 people in the Birmingham Pub Bombings 1974.
7.2 To avoid reputational damage to the City Council due to any delay.
7.3 To provide closure to this historic atrocity for the families and Birmingham.

Signatures	<u>Date</u>
Cabinet Member or Executive Member or Ward Committee Chairman
Cllr Clancy, Leader	
Chief Officer
Jacqui Kennedy, Acting Strategic Director of Place	

List of Background Documents used to compile this Report:

List of Appendices accompanying this Report (if any):

Report Version		Dated	
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