

County Council

19 June 2019

Report to amend the Constitutions of the Joint Committees of Mountsett Crematorium and Durham Crematorium



Report of Helen Lynch, Head of Legal and Democratic Services

Electoral division(s) affected:

All

Purpose of the Report

1. To seek approval to update the Mountsett Crematorium Joint Committee and Durham Crematorium Joint Committee Constitutions to allow for substitute members.

Executive summary

2. The Council's Constitution provides for the joint arrangements of both the Mountsett Crematorium Joint Committee and the Central Durham Crematorium Joint Committee. They each have their own terms of reference and Constitution documents. These were last updated and approved by Durham County Council on 20th March 2013 and 24th April 2013, respectively.
3. A recent meeting of the Central Durham Crematorium Joint Committee had to be cancelled because it was inquorate. Cancellation of the meeting could have been avoided if the Joint Committee's constitution provided for substitute members. It is proposed therefore to amend the Constitution of both Joint Committees to provide for this arrangement in the future.

Recommendation(s)

4. Full Council is recommended to consider the proposed amendments and approve them.

Background

5. The Council's Constitution provides for the joint arrangements of both the Mountsett Crematorium Joint Committee and the Central Durham Crematorium Joint Committee. They each have their own terms of reference and Constitution documents. These were last updated and approved by Durham County Council on 20th March 2013 and 24th April 2013, respectively.
6. The Mountsett Crematorium Joint Committee is a joint arrangement with Gateshead Borough Council and provides and maintains a crematorium service for Gateshead and the former Derwentside District Council area.
7. The Central Durham Crematorium Joint Committee is a joint arrangement with Spennymoor Town Council and provides and maintains a crematorium service for Spennymoor and the former Durham City Council administrative area.
8. A meeting of the Joint Committee of Central Durham Crematorium was cancelled in January 2019 as there were no members available from Spennymoor Town Council and the meeting was inquorate. There were substitute members available, however there is no ability in the present Constitution to appoint substitute members. In these circumstances and to prevent this happening again it was suggested that the constitutions of both Joint Committees be updated to include a provision for allowing substitute members.
9. The proposed clause relating to the substitution of members in both Constitutions will mean that if a member of the committee wishes a substitute to attend a meeting, they must notify the Clerk in writing 4pm on the day before the meeting of their nominated substitute. Substitutes are entitled to speak and vote on all items of business. A member may only nominate a substitute from the same relevant authority of which they are a member. A copy of the Constitutions, with the proposed tracked changes are shown in the background papers.
10. The Annual General Meeting for the Joint Committee of Durham Crematorium is 26th June 2019 and for the Joint Committee of Mountsett Crematorium is 24th June 2019. The updated Constitutions will be presented to these meetings following the decision of Full Council, for noting and adoption (subject to Council approving the amendments).

Background papers

- Constitution of Central Durham Crematorium Joint Committee approved by members on 24th April 2013
- Constitution of Mountsett Crematorium Joint Committee approved by members on 20th March 2013.

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Clerk to Durham and Mountsett Joint
Committees

Appendix 1: Implications

Legal Implications

The Joint Crematorium Committees of Durham and Mountsett were set up further to section 102 (1)(b) of the Local Government Act 1972. Section 8.02 (a) of Durham County Council Constitution, allows the Council to establish joint arrangements with which may involve the appointment of a joint committee with other local authorities. Inclusion of a substitution clause will assist in achieving a quorate meeting and conduct of business at the respective Committees

Finance

There are no financial implications associated with this report

Consultation

Officers from Gateshead Council and Spennymoor Council have been consulted, regarding the proposed changes and are in agreement that the provision of substitution arrangements would assist in the efficient running of the meetings and business to be considered. The proposed changes were also considered by the Constitution Working Group on 5th June 2019.

Equality and Diversity / Public Sector Equality Duty

None specific within the report.

Human Rights

None specific within the report.

Crime and Disorder

None specific within the report.

Staffing

None specific within the report.

Accommodation

None specific within the report.

Risk

None specific within the report.

Procurement

None specific within the report.

Appendix 2:

Amended Constitution of Central Durham Crematorium Joint Committee
(Please see Clause 6.11)

Appendix 3

Amended Constitution of Mountsett Crematorium Joint Committee (please see
new Clause 7)