

Mountsett Crematorium Joint Committee

24 June 2019

Changes to Constitution / Terms of Reference



Report of the Clerk to the Joint Committee

Electoral division(s) affected:

Countywide

Purpose of the Report

1. This report provides details of a review of the Mountsett Crematorium Joint Committee's Constitution, which in accordance with the Annual Governance Statement requirements is reviewed on an annual basis at the Joint Committee's Annual General Meeting.

Executive Summary

2. The Mountsett Crematorium Joint Committee has its own terms of reference and Constitution. These were last updated on 20 March 2013 and have been reviewed (without amendment) on an annual basis since then.
3. A meeting of the Central Durham Crematorium Joint Committee in January 2019 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.
4. An amended constitution of Mountsett Crematorium will be put before the County Council meeting on 19 June 2019, to allow for substitute members. It is expected that this amendment will be approved. The Joint Committee is asked to note and support the updated Constitution (attached) to allow for substitute members going forward.

Recommendation(s)

5. It is recommended that:-

- (i) the Committee note the outcome of the review of the Constitution of the Mountsett Crematorium Joint Committee in accordance with the requirements of the Annual Governance Statement; and
- (ii) subject to the proposed amendments being approved by Durham County Council on 19 June 2019, adopt the proposed changes to the Constitution to allow for the appointment of substitutes going forward.

Background Information

6. The Constitution has been reviewed by the Clerk to the Mountsett Crematorium Joint Committee.
7. Members will recall that the Constitution, as adopted in 2013, retained the constituent legal titles, expenditure and subsequent surplus distribution arrangements to Durham County Council / Gateshead Council on a 65/35 basis; and policies concerning the transfers to reserves of retained surpluses.
7. The constituent authority membership appointments and asset ownership remain as per the original constitution of 7 September 1976.
8. The Mountsett Crematorium Joint Committee will continue to operate within the procedure rules and financial regulations of the lead partner authority, Durham County Council who will continue to be responsible for the management of the facility and for supporting the Joint Committee.
9. The review has not indicated that the Constitution needs to be significantly updated. However, a meeting of the of the Central Durham Crematorium Committee in January 2019 had 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 the Joint Committee to provide for this arrangement in the future.
10. The proposed clause relating to the substitution of members in the Constitution will mean that if a member of the committee wishes a substitute to attend a meeting, they must notify the Clerk in writing by 4pm on the day before the meeting of the 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. Members should be mindful of the political balance of the Committee when nominating a substitute. A copy of the amended Constitution is shown at Appendix 2 with the revised sections highlighted for convenience.
11. The amended Constitution will be presented to a meeting of County Council on 19 June 2019, for approval. The outcome will be reported to the Committee at its meeting on 24 June 2019.

Background papers

- Mountsett Crematorium Joint Committee Constitution (adopted 20 March 2013)

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Appendix 1: Implications

Legal Implications

The Joint Crematorium Committee 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 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 Durham County Council and Gateshead Council have been consulted regarding the proposed changes and are in agreement that the provision of substitution would assist in the efficient running of the meetings and business considered.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications associated with this report.

Human Rights

There are no Human Rights implications associated with this report.

Crime and Disorder

There are no Crime and Disorder implications associated with this report.

Staffing

As identified in the report.

Accommodation

There are no Accommodation implications associated with this report.

Risk

None specific within the report.

Procurement

There are no procurement issues associated with this report.