

# Mountsett Crematorium Joint Committee

15 June 2012

## Review of Terms of Reference



---

## Report of the Clerk to the Joint Committee

---

### Purpose of the Report

- 1 The purpose of the report is to set out for Members consideration, the revised / updated Constitution of the Mountsett Crematorium Joint Committee.

### Background

2. The Constitution of the Mountsett Crematorium Joint Committee was last reviewed and updated on 07 September 1976, in consideration of the Local Government Act 1972 and subsequent transfer of the former Urban District Councils of Stanley and Consett to Derwentside District Council; and the Urban District Councils of Blaydon and Whickham to the Borough Council of Gateshead Council.
3. More recently, with effect from 01 April 2009, Local Government Reorganisation in County Durham transferred the responsibilities of Derwentside District Council to Durham County Council
4. Following the external audit review of the Joint Committee's 2010 / 11 Small Bodies Annual Return and supporting documentation, it was recommended that the Joint Committee undertake a review and update of its terms of reference.

### The Constitution

5. The Constitution of the Mountsett Crematorium Joint Committee has been reviewed and brought up to date. The updated constitution now fully reflects the revised constituent authority legal titles; expenditure and subsequent surplus distribution arrangements which were changed post 1976 and have remained on a 65/35 split since 1997; along with the policies regarding retained surplus transfer to reserves.
6. In addition, whilst traditionally (although not constitutionally bound), the chair to the Committee has been appointed from the lead authority, the updated constitution also proposes that the Chair to the Joint Committee alternate between the constituent authorities on an annual basis unless agreed at the Annual meeting.
7. Members will note that the Constituent authority membership appointments and asset ownership remains as per the original constitution. The Mountsett Crematorium will continue to operate within the standing orders 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.

8. The updated constitution is attached at Appendix 2. For Members' information, a copy of the original Constitution (dated 7 September 1976) is attached at Appendix 3.

### **Recommendations and Reasons**

9. It is recommended that:

- Members of the Joint Committee note and approve the updated Constitution;
- That the Chair and Treasurer to the Joint Committee sign the updated Constitution of the Mountsett Crematorium Joint Committee

---

**Contact: Lucy Stephenson 0191 383 6644**

---

---

## **Appendix 1: Implications**

---

### **Finance**

The Constituent Authority income sharing (unchanged) and reserves protocols (in line with the strategy adopted in recent years) are disclosed within the revised constitution detailed within Appendix 2.

### **Staffing**

There are no staffing implications associated with this report.

### **Risk**

There are no risk implications associated with this report

### **Equality and Diversity / Public Sector Duty**

There are no Equality and Diversity implications associated with this report.

### **Accommodation**

The Constituent Authority asset ownership (unchanged) is highlighted within the revised constitution detailed within Appendix 2.

### **Crime and Disorder**

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

### **Human Rights**

There are no Human Rights implications associated with this report

### **Consultation**

Legal officers of Gateshead Council were provided with a copy of the constitution and given opportunity to comment / raise any detailed questions/ request amendments on its content in advance of circulation to members of the Mountseth Crematorium.

### **Procurement**

None

### **Disability Discrimination Act**

None

### **Legal Implications**

The constitution has been updated by Legal services, Durham County Council, in line with relevant legislative requirements and taking into account the current constitution terms of reference, which remains substantially unchanged.