

**Central Durham Crematorium
Joint Committee**

26 September 2012



Review of Terms of Reference

Report of Sharon Spence, Clerk to the Joint Committee

Purpose of the Report

- 1 The purpose of the report is to update Members on progress with the revised / updated Constitution of the Central Durham Crematorium Joint Committee.

Background

2. The Constitution of the Central Durham Crematorium Joint Committee was last reviewed and amended on 3 May 1983 to reflect the constituent authorities of the City of Durham Council and Spennymoor Town Council.
3. More recently, with effect from 1 April 2009, Local Government Reorganisation in County Durham transferred the responsibilities of City of Durham Council to Durham County Council
4. Following audit reviews of the Joint Committee's during 2009/10 and 2010 / 11, it was recommended that the Joint Committee undertake a review and update of its terms of reference.
5. At the last meeting of the Joint Committee it was agreed that each constituent Authority consider the draft document prior to final consideration by the Joint Committee. The draft Constitution is attached.

Comments from Spennymoor Town Council

6. Spennymoor Town Council have agreed the wording of the document with the exception of the following paragraph:
 13. When this agreement is silent the central Durham Crematorium Joint Committee will operate within the procedure rules and financial regulations of the lead partner authority, Durham County Council, in so far as they are compatible with the general law in relation to local government expenditure by ensuring that the best economic, ethical and probity arrangements are in place and adhered to in order to ensure that the Central Durham Joint Crematorium Committee have effective and appropriate corporate governance arrangements and financial management arrangements in place, given the Committee's fiduciary duty in relation to the management of public resources, and Durham County Council will continue to be responsible for the management of the facility and for supporting the Joint Committee.

7. The County Council will consider the draft document in September with the following amendment to paragraph 13.

“13. When this agreement is silent the Central Durham Crematorium Joint Committee will operate within the procedure rules and financial regulations of the lead partner authority, Durham County Council, to ensure that the Central Durham Joint Crematorium Committee has effective and appropriate corporate governance arrangements and financial management arrangements in place, given the Committee’s fiduciary duties in relation to the management of public resources, and Durham County Council will continue to be responsible for the management of the facility and for supporting the Joint Committee.”

8. It is not considered necessary to include the words “in so far as they are compatible with the general law in relation to local government expenditure by ensuring that the best economic, ethical and probity arrangements are in place and adhered to in order”, as these are already met by following the Lead Authority’s Financial Regulations.

Recommendations and Reasons

9. It is recommended that:

Members of the Joint Committee consider and approve the updated Constitution at their next meeting in January 2013.

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 Spennymoor Town 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 Central Durham Crematorium Joint Committee. Spennymoor Town Council have considered the document and submitted their comments.

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.