

Mountsett Crematorium Joint Committee

25 April 2013

Mountsett Crematorium, Joint Committee, Changes to Constitution/Terms of Reference



Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. The purpose of the report is to provide members of the Joint Committee with updates/amendments to the Constitution of Mountsett Crematorium Joint Committee which has been brought up to date in accordance with the recommendations of the external auditors.

Background Information

2. The Constitution of the Mountsett Crematorium Joint Committee was last reviewed and amended on 7 September 1976 to reflect the constituent authorities of the District Council of Derwentside and the Borough Council of Gateshead.
3. More recently, with effect from 1 April 2009, Local Government Re-organisation in County Durham transferred the responsibilities of Derwentside District Council to Durham County Council.
4. Following audit reviews of the Joint Committee, it was recommended that the Joint Committee undertake a review and update of its terms of reference.
5. The Constitution of the Mountsett Crematorium Joint Committee has been reviewed and brought up to date. The updated Constitution, which has been approved by Durham County Council (full Council on 20 March 2013 fully reflects the revised constituent authority legal titles, expenditure and subsequent surplus distribution arrangements on an 65/35 basis, along with the policies regarding retained surplus transfer to and from reserves.
6. The Joint Committee will note that the constituent authority membership appointments and asset ownership remains as per the original constitution. 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.
7. The Legal Departments of Durham County Council and Gateshead District Council have agreed the amended draft constitution.

8. The updated Constitution is attached at Appendix 2. The original Constitution dated 7 September 1976, and Establishment of Joint Crematorium Committee of 26 May 1964 are listed as background papers to the report.

Recommendations and Reasons

9. The Joint Committee is asked to consider the revised Constitution of Mountsett Crematorium Joint Committee. Gateshead Council are in the process of considering whether the Constitution needs to be approved by full council also. The Joint Committee are therefore asked to approve the Constitution subject to approval by Gateshead Council.

Background Papers

Amended Constitution
Agreement dated 7 September 1976
Agreement dated 26 May 1964

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 Equality 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 Durham County Council and Gateshead District Council have been provided with a copy of the constitution and given opportunity to comment/raise any detailed questions/request amendments in advance of circulation to members of Mountsett Crematorium Joint committee.

Procurement – None specific within this report.

Disability Discrimination Act - None specific within this report

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.