

## Part A

**Report to:** Cabinet

**Date of meeting:** Monday, 4 March 2024

**Report author:** Group Head of Democracy and Governance

**Title:** West Herts Crematorium Joint Committee

### 1.0 Summary

- 1.1 Cabinet on 11 July 2022 received a report informing members of the intention to amend the West Herts Crematorium Joint Committee Agreement to create a lead authority model, with Three Rivers District Council as the Lead Authority.
- 1.2 Cabinet agreed to the change to the lead authority model and delegated to the Group Head of Democracy and Governance working with the Monitoring Officers of the other 4 partner councils to develop all necessary legal agreements to facilitate the change subject to final approval of the Joint Committee and the constituent councils.
- 1.3 Since then work has progressed with the assistance of Anthony Collins Solicitors to draft a new Joint Committee Agreement and also a completely new Services Agreement setting out the obligations of the Lead Authority.
- 1.4 The Joint Committee received a report on 29 January setting out the terms of the new Joint Committee and Services Agreement and agreed to the adoption of the new Joint Committee and Services Agreements. Each of the constituent councils are being asked to formally approve these new arrangements and Cabinet is asked to approve the entering into of the Joint Committee and Services Agreements as set out in the appendix 2 and 3 to the report.

### 2.0 Risks

#### 2.1

<b>Nature of risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> (treat, tolerate, terminate or transfer)	<b>Risk Rating</b> (combination of severity and likelihood)
One of the councils does not approve	The existing provisions prevail and there is no lead authority.	All parties have been involved in discussions regarding the	treat	4

the new agreements		wording to the agreements and each of the chief executives signed off the final versions.		
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### 3.0 Recommendations

3.1 That the West Herts Crematorium Joint Committee Agreement and Services Agreement as set out in the appendix 2 and 3 be approved.

**Further information:**

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**Report approved by: Donna Nolan, Chief Executive**

### 4.0 Detailed proposal

4.1 In July 2022 Cabinet approved the council entering into a new West Herts Crematorium Joint Committee Agreement to create a lead authority model. Since that time the Monitoring Officers of the five participating councils have been working with Anthony Collins Solicitors to create the new agreements.

4.2 These have now been finalised and approved by the Chief Executives of all the councils and also by the Joint Committee on 29 January 2024. They now need all the participant councils to formally approve them. This is in progress.

4.3 Attached as appendix 1 is the report which went to the Joint Committee on 29 January with the agreements attached. The report sets out the main changes from the current agreement. There are now two agreements as a services agreement between the lead council and the other four was required to regulate the roles and responsibilities of the new lead authority.

4.4 Cabinet is asked to approve the agreements as set out in appendix 2 and 3.

### 5.0 Implications

#### 5.1 Financial

5.1.1 The Chief Finance Officer comments that under the Lead Authority arrangement the partner authorities of the Joint Committee share equally in the financial benefits

and risks of the operation of the crematoria. This is the same as under the previous arrangement.

## 5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that these new agreements regulate how the Lead Authority will operate under the Joint Committee.

## 5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Having had regard to the council's obligations under s149, it is considered that there are no equalities implications in this report

## 5.4 **Staffing**

5.4.1 There are now 4 honorary officers to the Joint Committee, the clerk, treasurer, surveyor and officer to manage the crematorium manager. The treasurer and officer must be employees of the Lead Authority. The crematoria staff were formally transferred to Three Rivers on 1 April 2023.

## 5.5 **Accommodation**

5.5.1 The management of the crematoria is set out in the Services Agreement.

## 5.6 **Community Safety/Crime and Disorder**

5.6.1 No implications

## 5.7 **Sustainability**

5.7.1 No Implications

## **Appendices**

- Appendix 1 report to Joint Committee 29 January 2024
- Appendix 2 Joint Committee Agreement
- Appendix 3 Agreement for Services.

## **Background papers**

No papers were used in the preparation of this report.