

Part A

Report to: *Other (please specify)*

If other: *West Herts Crematorium Joint Committee*

Date of meeting: *29 January 2024*

Report author: *Carol Chen Group Head Democracy and Governance*

Report sponsor: *Donna Nolan Honorary Clerk*

Portfolio holder:

Report title: *Joint Committee Agreement*

Nature of report: *Information and noting*

1.0 Executive Summary

- 1.1 Attached as Appendix 1 is the final version of the proposed new Joint Committee Agreement.
- 1.2 This Agreement formalises the adoption of a lead authority model for the operation of the Joint Committee following the completion of the second crematorium at Hemel Hempstead.
- 1.3 This Agreement sets out the roles and responsibilities of the Committee, the various Honorary Officers and the lead authority. It also sets out the initial service standards for the operation of both crematoria.
- 1.4 Also attached as Appendix 2 is detailed agreement for services which will cover operational matters.

2.0 Recommendations

- 2.1 That the Joint Committee approve the Agreements set out in Appendix 1 and Appendix 2 for approval by each of the partner councils.

3.0 Report pathway

- 3.1 Next review body: *Other (Please specify):* each of the respective councils
 - 3.1.1 Indicative date:
- 3.2 Final review body: *Not applicable*
 - 3.2.1 Indicative date:

Contact Officer:

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Reviewed and signed off by: Donna Nolan

4.0 Detailed proposal

- 4.1 As the Committee will remember it received a report in June 2022 recommending that the operation of the Joint Committee move to a lead authority model, whereby one of the partner authorities took on responsibility for the day to day operation of the crematoria and also employed the staff directly. This proposal was approved and subsequently each of the partner councils also approved that approach.
- 4.2 Since then, the partners have been working on the preparation of a new Joint Committee Agreement to reflect this model. After extensive discussions agreement has been reached and attached at Appendix 1 is the proposed Joint Committee Agreement. Also appended is a summary of the main provisions provided by the external solicitors working on the agreement on behalf of the Joint Committee.
- 4.3 This is a high-level document that sets out the roles and responsibilities of the Committee, the roles of the honorary officers and the relationship between the partner authorities and the lead authority. A change from the current Joint Committee agreement is the addition of an honorary officer to manage the crematoria manager and have oversight of the day to day operation, including preparing policies and monitoring performance.
- 4.4 In addition, schedules 1 and 2 set out the initial service standards for the Hemel and Garston Crematoria.
- 4.5 It deals with potential termination provisions and the potential of a change in the lead authority. Of note is no withdrawal is allowed by any partner for 5 years from the date of the Agreement. It also makes provision to ensure that any future termination has regard to the loan and indemnity agreements the partners entered into with Dacorum to assist the Joint Committee to build the Hemel Crematorium.
- 4.6 Attached at Appendix 2 is a separate agreement for services for the management and day to day operations of the two crematoria between Three Rivers District Council as Lead Authority and the other member councils. The intention being that the partner authorities in whose areas the crematoria sit will still own the land but will, in those agreements allow the lead authority to operate and manage them on behalf of the Joint Committee. Also appended is a summary of the main provisions.
- 4.7 The lead authority will manage the budget set by the Joint Committee which will need to be approved in the preceding November for the next financial year and forwarded to the partner councils for approval and all payments related to the crematoria will be met from this budget. The Joint Committee will make any determination on whether there is any surplus annually and if there is it will be split equally between the partner authorities. The partner authorities will also underwrite equally any deficits.
- 4.8 It has been agreed between all the partner authorities that both Dacorum Borough Council and Three Rivers District Council in whose area the 2

crematoria sit and who retain ownership of the respective sites will each get a hosting fee. It has been confirmed that Business Rates are payable on both sites.

- 4.9 The services agreement also requires the Lead Authority to devise service monitoring provisions during the first 12 months of the Agreement’s operation for approval by the Joint Committee. The current service standards for the Garston and Hemel Crematoria are set out in schedules 2 and 4.
- 4.10 There are specific arrangements regarding the relationship management between the operation of the crematorium at Hemel and the next-door cemetery, with an escalation procedure if disagreements cannot be resolved on the ground. Schedule 3 also sets out the property services arrangements for the Hemel Crematorium and repair and maintenance responsibilities vis a vis the cemetery.
- 4.11 The Joint Committee is asked to approve the Joint Committee agreement attached at Appendix 1 and the Services Agreement at Appendix 2 for recommending on to the partner authorities for signature and completion.

5.0 Implications

5.1 Financial

- 5.1.1 Each of the partner authorities have to agree the proposed budget set on behalf of the Joint Committee.

5.2 Legal issues (Monitoring Officer)

- 5.2.1 The Group Head of Democracy and Governance comments that the move to a lead authority model has already been approved by each of the partner authorities. This agreement sets out the details of how the partners and the Joint Committee will operate. There is also a detailed services agreements setting out the responsibilities of the Lead Authority. Each partner authority will need to agree to the entering into of these agreements.

5.3 Risks

Nature of risk	Consequence	Suggested control measure	Response (treat, tolerate, terminate, transfer)	Risk rating (combination of severity and likelihood)
One or more of the	The partners have to rely on	Each party has had the	Treat	2

partners does not sign the agreements	the existing memorandum of understanding	opportunity to contribute comments to the draft before it was finalised		
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5.4 Equalities, Human Rights and Data Protection

5.4.1 Equalities

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

5.5 Sustainability

5.5.1 There are no implications

5.6 People Implications

5.6.1 The employees currently working at the crematoria have now been employed by Three Rivers District Council.

5.7 Community Safety/Crime and Disorder

5.7.1 No implications

5.8 Property

5.8.1 The management and day to day responsibilities for the crematoria will be covered in the agreement for services.

6.0 Appendices

6.1 Appendix 1 Joint Committee Agreement.

6.2 Appendix 2 Services Agreement

6.3 Appendix 3 Summary of Joint Committee Agreement

6.4 Appendix 4 Summary of Services Agreement

7.0 Background papers

No papers were used in the preparation of this report.