

Part A

Report to: Cabinet

Date of meeting: Monday, 11 July 2022

Report author: Group Head of Democracy and Governance

Title: Changing the Joint Committee Agreement for the West Herts Crematorium Joint Committee

1.0 Summary

1.1 The Joint Committee is currently in the process of building a new crematorium at Bunkers Farm in Dacorum which is due to be completed in December 2022 and opened in January 2023.

1.2 In order to facilitate the operation of the new crematorium discussions have taken place between the Chief Executives and Monitoring Officers of the 5 councils that make up the Joint Committee (Watford, Three Rivers, Dacorum, St. Albans and Hertsmere) and it became apparent that a revised Joint Committee agreement would be required in order for the 2 crematoria to be managed effectively.

1.3 The Joint Committee met on 13 June 2022 and received the report attached as appendix 1 and unanimously agreed to recommend to the 5 councils that a new Joint Committee Agreement on a Lead Authority model be established with Three Rivers District Council as the Lead Authority.

1.4 Cabinet is therefore asked to approve that Watford enters into a new Joint Committee agreement with the other 4 constituent councils.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
That the new model is not approved by one of the 5 councils	It will not be possible to convert to a lead authority and the Joint Committee continues as it is which may lead to potential future legal challenges	That all 5 councils endorse the change	treat	3

3.0 **Recommendations**

- 3.1 That cabinet agrees to the change of the West Herts Crematorium Joint Committee agreement to that of a lead authority model with Three Rivers District Council as the lead authority.
- 3.2 That cabinet delegates to the Group Head of Democracy and Governance working with the Monitoring Officers of the 4 other constituent councils to develop all necessary legal agreements to facilitate the change subject to final approval of the Joint Committee and the constituent councils.

Further information:

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Report approved by: Donna Nolan, Managing Director

4.0 **Detailed proposal**

- 4.1 Attached at appendix 1 is the report that went to the West Herts Crematorium Joint Committee on 13 June 2022 setting out the rationale for changing the operation of the Joint Committee.
- 4.2 The Joint Committee unanimously agreed the recommendations set out in the report.
- 4.3 The purpose of this report is to seek Cabinet's approval on behalf of Watford to the change to the Joint Committee. Similar reports will be going to the other 4 constituent councils. Work will take place over the summer to put in place all requisite legal agreements to facilitate the change with a view to final approval being given by the Joint Committee and the councils in the autumn. If all proceeds to plan the new arrangement would come into effect in January 2023 in time for the opening of the new crematorium in Dacorum.

5.0 **Implications**

5.1 **Financial**

- 5.1.1 The Shared Director of Finance comments that as at present all liabilities, risks and rewards would still be shared equally between the 5 councils.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that a new Joint Committee agreement and also indemnity agreements between the 5 councils will need to be drafted as well as the transfer of contracts and staff to Three Rivers as the lead council. Anthony Collins Solicitors LLP is assisting the 5 councils with all the necessary legal agreements.

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 proposal.

5.4 **Staffing**

5.4.1 Staff are currently employed directly by the Joint Committee they will need to be formally consulted on the proposal and would TUPE transfer to Three Rivers. In addition Three Rivers will need to enter into a subsumption agreement with the Pension Provider.

5.5 **Accommodation**

5.5.1 A land management or lease will need to be entered into between Three Rivers and Dacorum acting on behalf of the Joint Committee for the new crematorium. The form of agreement will be developed alongside the Joint Committee Agreement.

5.6 **Community Safety/Crime and Disorder**

5.6.1 There are no implications in this report.

5.7 **Sustainability**

5.7.1 There are no direct implications

Appendices

Appendix 1 Report to West Herts Crematorium Joint Committee 13 June 2022 with legal advice options paper.

Background papers

No papers were used in the preparation of this report.