

THE BRETBY CREMATORIUM JOINT COMMITTEE

Minutes of a Meeting of the Bretby Crematorium Scrutiny Panel held at Bretby Crematorium on Wednesday 3 March 2004.

PRESENT

for East Staffordshire Borough Council

Councillor Ms A White (Chairman)
Councillor T M Dawn (Vice-Chairman)
Councillor Mrs S J Gent
Councillor C F Insley CBE

for South Derbyshire District Council

Councillor W Dunn
Councillor R W Southern

Officers Present

Mr P G Davies (Clerk to the Scrutiny Panel)
Mr C Dean (Scrutiny Team Leader)
Mr N French (Crematorium Manager)
Mr I Marriner (Environmental Health Manager)

Also Present

Mr J Hylton and Mrs D Hylton, J Hylton and Sons, Funeral Directors
Mr N Durrant, Ward & Brewin, Funeral Directors

**LOCAL GOVERNMENT AND HOUSING ACT 1989 –
MEMBERSHIP OF THE SCRUTINY PANEL**

In accordance with the Local Government and Housing Act 1989, the Clerk advised that there were no changes in the Membership of the Scrutiny Panel.

MINUTES

The Minutes of the Meeting of the Scrutiny Panel held on 28 January 2004 were approved and signed as a correct record.

FOURTH SCRUTINY PANEL REVIEW

The Scrutiny Team Officer reported that he had written to 22 other crematoria operating under similar joint committee arrangements and had received replies from 11. The principle conclusions from this consultation were:

- Most joint arrangements were very similar to those at Bretby
- Where alterations had been made these were principally due to two main reasons:
 - changes to Authorities through reorganisations;
 - changes to reflect new executive arrangements arising from the Local Government Act 2000

Arising from the discussion it was agreed that the Scrutiny Team Officer would investigate:

the legal situation for representation on the Joint Committee as a result of the Local Government Act 2000;
role of advisors and observers on the Joint Committee and co-option arrangements;
any guidance for the best operation of a scrutiny and overview function; and
call-in procedures for major decisions

and that for the next Meeting he would, in consultation with the Crematorium Manager, draft possible changes to the existing agreement to include:

delegated powers;
scrutiny;
chair/vice chair delegated powers/powers to act; and
reduced numbers/calculation of representation

The Chairman and Vice-Chairman of the Joint Committee would be invited to attend the next Meeting when these matters would be discussed.

DATE OF NEXT MEETING

Resolved:

That the next Meeting of the Scrutiny Panel be held on 21 April 2004 at 3.00pm at Bretby Crematorium.

Chairman.

THE BRETBY CREMATORIUM JOINT COMMITTEE

Minutes of a Meeting of the Bretby Crematorium Scrutiny Panel held at Bretby Crematorium on Wednesday 28 April 2004.

PRESENT

for East Staffordshire Borough Council

Councillor Ms A White (Chairman)
Councillor C F Insley CBE

for South Derbyshire District Council

Councillor W Dunn
Councillor R W Southern

Officers Present

Mr P G Davies (Clerk to the Scrutiny Panel)
Mr C Dean (Scrutiny Team Leader)
Mr N French (Crematorium Manager)
Mr I Marriner (Environmental Health Manager)
Ms R M McGoldrick (Customer Services Officer - South Derbyshire District Council)

Also Present

Councillor H K Wheeler (Chairman of the Joint Committee)
Mr J Hylton, J Hylton and Sons, Funeral Directors

Apologies

Apologies for absence were received from Councillors T M Dawn (Vice-Chairman), Mrs S J Gent, Mrs B Renwick and Mrs E J Staples.

**LOCAL GOVERNMENT AND HOUSING ACT 1989 –
MEMBERSHIP OF THE SCRUTINY PANEL**

In accordance with the Local Government and Housing Act 1989, the Clerk advised that there were no changes in the Membership of the Scrutiny Panel.

MINUTES

The Minutes of the Meeting of the Scrutiny Panel held on 3 March 2004 were approved and signed as a correct record.

REVIEW OF PARTNERSHIP ARRANGEMENTS

The Report of the Scrutiny Team Leader on a Review of Partnership Arrangements was considered. He suggested that there were three areas where some amendments were required to the arrangements set out in the 1974 agreement between the two authorities. These were summarized as follows:

- (1) a number of changes had already been implemented that were not reflected in any amendments to the 1974 agreement. These included:
 - (a) a reduction in the size of the Joint Committee;
 - (b) The creation of the Scrutiny Panel;
 - (c) Delegation of some powers to the Chairman and Vice Chairman;
- (2) changes required as a result of East Staffordshire Borough Council adopting new executive arrangements under the Local Government Act 2000;
- (3) the overview and scrutiny function for the crematorium should be independent and robust. The current arrangement whereby it was carried out by all the members of the Joint Committee except the Chairman and Vice Chairman did not meet these criteria.

Arising out of the discussion which ensued it was

Resolved:

- (1) The each authority be asked to consider a reduction in the size of the Joint Committee to either three members from each authority or four members from East Staffordshire and three members from South Derbyshire;
- (2) That the powers to be delegated to the Chairman and Vice Chairman of the Joint Committee be set out in a new Agreement with reference being made to the "call in" procedure for decisions which had a financial value of £25,000 or more;
- (3) That the agreement contain provision for a scrutiny committee to be set up of no more than three members of each authority not on the Joint Committee if called for either by the Joint Committee or the executive of either authority;
- (4) That the Members of each authority on the Joint Committee be asked to obtain approval of their respective authorities to the principle changes set out above in (1), (2) and (3) above;
- (5) That when agreement has been received, in principle, from each of the authorities to the changes a report be prepared setting out the results of the consultation and the

Bretby Crematorium Scrutiny Panel. Review of partnership arrangements.

The initial report to the Panel on this review set out, in general terms, a number of possible alternative structures for the running of the crematorium. These were

- Additional partners from the public sector
- Creation of a board of independent trustees
- Creation of a stand alone company
- Charitable status
- Company limited by guarantee

All of these would involve either some, or complete, loss of direct control over the running of the crematorium, if adopted. The consultation with the other crematorium operators has identified only one case where such radical change has been either considered or implemented. In your second scrutiny report you did look at some alternative management arrangements and rejected them because the current arrangements are working satisfactorily.

Nevertheless I believe that there are three areas where some amendments are required to the arrangements set out in the 1974 agreement between the two authorities.

1 A number of changes have already been implemented that are not reflected in any amendments to the 1974 agreement. These include

- a. A reduction in the size of the Joint Committee.
- b. The creation of the Scrutiny Panel.
- c. Delegation of some powers to the Chairman and Vice Chairman.

2 Changes required as a result of East Staffordshire Borough Council adopting new executive arrangements under the Local Government Act 2000.

3 The overview and scrutiny function for the crematorium should be independent and robust. The current arrangement whereby it is carried out by all the members of the Joint Committee except the Chairman and Vice Chairman does not really meet these criteria.

The current agreement provides for one member from each authority for each complete or part 10,000 of their population. On the current population levels this would result in a committee of 20 members. (11 from East Staffordshire and 9 from South Derbyshire). In moving to the current arrangements of nine members (5 ESBC, 4 SDDC) members have already acknowledged that the size of the committee should be changed.

However under the new executive arrangements in the Local Government Act 2000, which now apply in East Staffordshire, it appears that membership of a joint committee cannot be delegated by the executive. There are only six members on the executive in East Staffordshire.

Recommendation 1 That each authority be asked to consider a reduction in the size of the Joint Committee to three members from each authority.

The quorum would need to be altered to reflect the reduced size of the committee. The Joint Committee should continue to meet at least twice a year as now happens,

recommendations set out above; such report to include a further recommendation that the Solicitors to the two authorities draft a new agreement.

DATE OF NEXT MEETING

Resolved:

That the next Meeting of the Scrutiny Panel be held on Wednesday, 16th June, 2004 at 2.00pm immediately prior to the Annual General Meeting of the Joint Committee.

Chairman.

for the AGM in June and again in November. The business of these meetings would be largely as at present, i.e. to agree fees and charges, to agree any major expenditure (e.g. the recently completed work on the chapel extension) and to receive any reports from the Crematorium Manager. There may be some business to transact in between those meetings and the current arrangement for delegation to the Chairman and Vice Chairman should be formalised.

Recommendation 2 The agreement should set out the powers to be delegated to the Chairman and Vice Chairman of the Joint Committee.

The provisions in the existing agreement for calling special meetings should be retained subject to possibly changing the numbers required to call a meeting. This could therefore be used either where a decision was required not within the delegation to Chairman and Vice Chairman or where other members of the committee felt it was necessary.

It is generally accepted that scrutiny and overview is better carried out by those members not involved in the detailed running of a service or responsible for any decisions. It is not expected that there would need to be a regular programme of scrutiny of the business of the joint committee but there should be provision for scrutiny if required. The annual accounts are audited and reports are submitted to each authority.

Recommendation 3 That the agreement contain provision for a scrutiny committee to be set up of no more than three members of each authority if called for either by the Joint Committee or the executive of either authority.

Recommendation 4 That the members of each authority on the Joint Committee obtain approval of their respective authorities to the principle changes set out above in recommendations 1,2 and 3.

Consequent upon the above there would be a few other changes to make to the current agreement, and the opportunity should also be taken to update the style and language used in the document. These other changes are set out below

1. Legislation. The agreement should reflect legislative changes since 1974.
2. Proportion of members. This would need to be changed.
3. Special meetings. At present special meetings can be called by the Chairman or three or more ordinary members. If the Joint Committee is reduced to six in total including Chairman and Vice Chairman I would suggest the number to call a special meeting could be reduced to Chairman or two or more members.
4. Quorum. The current quorum is five, including not less than two from each authority. I suggest that this should be reduced to a quorum of three and at least one from each authority.
5. Officers and servants. The agreement currently states that they "shall be admitted to the superannuation fund for officers and servants of East Staffordshire District Council". I suggest that this should be altered to include being subject to all the terms and conditions of employment of the East Staffordshire Borough Council so that this will automatically include standing orders, financial regulations etc.
6. Capital expenditure. This section needs to be amended to remove reference to the Secretary of State.

Members asked that I look into the attendance at meetings of advisors or observers. The attendance of officers from each authority to advise the members of the Joint Committee is covered by existing regulations and standing orders. Ad hoc arrangements to call in other advisors are acceptable as is the attendance of observers from local funeral businesses. However non-elected members cannot be allowed to take part in any voting, and may be asked to leave any meeting if confidential items or commercially sensitive issues are to be discussed.

Recommendation 5. That when agreement has been received in principle from each authority to the changes a report be prepared setting out the results of the consultation and the recommendations set out above. This report should include a further recommendation that the Solicitors to the two authorities draft a new agreement to take effect from 1st April 2005.