

**North East Derbyshire District Council**

**Cabinet**

**19 May 2022**

**Dronfield Burial Ground**

**Report of the Assistant Director of Governance and Monitoring Officer**

Classification: This report is public

Report By: Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg

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**PURPOSE / SUMMARY**

To seek Cabinet's authority to delegate to the Managing Director the statutory power to resolve a dispute between Unstone Parish Council and Dronfield Town Council concerning the Dronfield and District Joint Burial Committee and the Cemetery Advisory Committee.

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**RECOMMENDATIONS**

1. To delegate to the Managing Director the power to determine whether the Dronfield and District Joint Burial Committee and any involvement by Unstone Parish Council in the Cemetery Advisory Committee should be ended;
2. To delegate the preparation of the procedure for determining the above to the Managing Director in consultation with the Assistant Director of Governance and Monitoring Officer.

Approved by the Portfolio Holder – not applicable

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**IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

There are no financial implications

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes  No

**Details:**

Under the Local Government Act 1972 (LGA 1972), Schedule 26, para 4 it says that where a joint committee was established under para 2 of that Schedule and the parties are not in agreement the District Council may affect the dissolution

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

No impact on staffing

On behalf of the Head of Paid Service

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## DECISION INFORMATION

Decision Information	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	No. Not appropriate  Details:

**Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.**

None

## REPORT DETAILS

### 1 **Background** (reasons for bringing the report)

- 1.1 Unstone Parish Council (UPC) and Dronfield Town Council (DTC) have established a joint committee to run the Dronfield Cemetery. According to UPC the Joint Dronfield Burial Board was established in 1895 and ceased to exist on 1<sup>st</sup> April 1972 pursuant to the provisions of the section 214(1) of the Local Government Act 1972. This was replaced by the Dronfield and District Joint

Burial Committee. More recently in 2018 DTC established a Cemetery Advisory Committee

- 1.2 Pursuant to the provisions of the 1972 Act the Joint Burial Committee can be dissolved by agreement of the two councils. Both Councils should pass a resolution that the Joint Committee shall, with the agreement of the other party, be dissolved with effect from the date on which the two Councils have determined should happen. But if only one of the Councils wants to dissolve the Joint Committee, the LGA 1972, Schedule 26, para 4 says that where a joint committee was established under para 2 of that Schedule and the parties are not in agreement the District Council may affect the dissolution.
- 1.3 UPC have taken the decision to dissolve the Joint Committee. However DTC is not prepared to agree to the termination of the Joint Committee. Attempts have been made to mediate between the two Councils but without success.
- 1.4 To resolve the dispute UPC and DTC have asked the District Council to pass a resolution as to whether the Joint Committee should be dissolved.

## **2. Details of Proposal or Information**

- 2.1 The proposal is to delegate to the Managing Director the decision on whether the Dronfield Joint Burial Committee should continue or should be dissolved.
- 2.2 There is no set procedure for a District Council to determine whether a Joint Committee should continue or not. It is proposed that this is done by asking the UPC and DTC to submit their arguments in writing and that the Managing Director will then make a decision on the papers. Details of the process, including timings, is to be finalised and it is suggested that this be delegated to the Managing Director in consultation with Assistant Director of Governance and Monitoring Officer.

## **3 Reasons for Recommendation**

- 3.1 A decision of this nature is an executive decision which would normally be taken by Cabinet. However due to the number of Cabinet members who would need to declare a prejudicial interest it is proposed that this decision is delegated to the Managing Director.
- 3.2 It will be necessary to prepare a procedure for all the parties to follow. A procedure based on written representations is common in a number of other quasi-judicial fields and is considered to be appropriate by officers in this case.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 Not to delegate the decision to the Managing Director. All but 3 Cabinet members are either UPC or DTC parish councillors. The quorum for Cabinet is 3 which will leave no room for any further absences. Also due to the sensitive

nature of this matter it is considered prudent to ask an officer to determine the dispute rather than members.

## DOCUMENT INFORMATION

Appendix No	Title
None	
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	