

Merton Council

Merton and Sutton Joint Cemetery Board Agenda

Membership

Councillors:

Stan Anderson
Agatha Mary Akyigyina OBE
Jean Crosby
Nick Draper
Drew Heffernan
Simon McGrath
Annie Moral
David Williams

Substitute Members:

Councillor Vincent Galligan

Date: Tuesday 20 November 2018

Time: 2.00 pm

**Venue: Committee rooms B & C - Merton Civic Centre, London Road,
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed.
For more information about the agenda please contact
democratic.services@merton.gov.uk or telephone [020 8545 3616](tel:02085453616).

All Press contacts: communications@merton.gov.uk, 020 8545 3181

Merton and Sutton Joint Cemetery Board Agenda

20 November 2018

| | | |
|----|--|---------|
| 1 | Apologies for Absence | |
| 2 | Declarations of Pecuniary Interest | |
| 3 | Minutes of the Previous Meeting | 1 - 4 |
| 4 | Update report on Cemetery Public Toilet Block | 5 - 14 |
| 5 | Contractor Update Report | 15 - 20 |
| 6 | Proposed Amendment to the Constitution and Updates to the Risk Register | 21 - 26 |
| 7 | Revised Lease Arrangement for Green Lane Primary School | 27 - 30 |
| 8 | Exclusion of the Public | |
| | To RESOLVE that the public are excluded from the meeting during consideration of the following reports on the grounds that they are exempt from disclosure for the reasons stated in the agenda. | |
| 9 | Use of injunctions to protect Council owned property from unauthorised occupation | 31 - 40 |
| 10 | Update by the Board's Surveyor | 41 - 42 |
| 11 | Client-Side Managers Report | 43 - 46 |
| 12 | Client Side Manager's Update | |

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

MERTON AND SUTTON JOINT CEMETERY BOARD

5 JUNE 2018

(2.00 pm - 3.20 pm)

PRESENT Councillor Stan Anderson, Councillor Nick Draper,
Councillor Drew Heffernan, Councillor Simon McGrath and
Councillor Annie Moral, Councillor Vincent Galligan

ALSO PRESENT Zoe Church – Treasurer to the Board
Howard Joy – Surveyor to the Board
Lisa Jewell – Clerk to the Board
Mark Robinson – Registrar to the Board
Russ Kirk – id verde Contracts Manager

1 ELECTION OF CHAIR AND VICE-CHAIR FOR 2018-19 (Agenda Item 1)

RESOLVED

Councillor Annie Moral of London Borough of Sutton was elected Chair for 2018/19

And

Councillor Nick Draper of London Borough of Merton was elected Vice Chair for 2018/19

2 APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Councillor Jean Crossby, Councillor Agatha Akingyina, and Councillor David Williams

Doug Napier, Client Side Manager sent his apologies

3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of interest.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 4)

RESOLVED: That the minutes of the meeting held on 20 February 2018 were agreed as an accurate record.

5 ANNUAL GOVERNANCE REPORT (Agenda Item 5)

The treasurer presented her report on the Annual Governance Statement, and drew Members attention to asset valuation work to be undertaken during the financial 2018-19 the results of which will be fed into next year's abstract of accounts. The Treasurer explained that the new contract has led to a review of the roles and

responsibilities of Board Officers. The Board were pleased to see idverde Officers at the meeting and to receive their performance report as part of the meeting.

RESOLVED

That the Annual Governance Statement was noted and agreed

6 ABSTRACT OF ACCOUNTS 2017-18 (Agenda Item 6)

The Treasurer to the Board presented her report on the Abstract of Accounts 2017-18. She explained that the accounts had been checked by the Merton internal accounts team and know following the Chair's sign off, would be submitted to the External Auditors, no comments were made on the last Audit. She stated that the internal audit team had asked for a valuation process of the Board's assets to be completed for next years accounts.

The Treasurer asked the Board to note that during 2017/18 the main variations were linked to added income and revised management administration charges. The Board also noted that special projects now appear on the balance sheet; bearer beam, purchase, replacement of boiler and works to the toilet block. The works to the toilet block have been rolled forward.

The Treasurer presented the appendices to her report including the risk register. Members asked about the risk from a pandemic, and noted that the Merton and Sutton Joint Cemetery was a designated site for mass burials if a pandemic should occur. The Treasurer stated that as the new contract becomes embedded then the associated risks can be reduced.

The Treasurer explained the situation regarding the Board's pension scheme. The fund is mature, that is more people are retired from the Board and deferred pensioners than are contributing to the scheme, and the scheme is an admitted body to the Surrey County Council scheme. It is not advised to close the scheme as it would then reduce in value (due to a cessation valuation), but there are only 3 current contributing part-time staff; the three part time board officers. The Board noted that further information regarding the former and deferred staff had been requested from Surrey County Council This pension fund is the Board's liability. A copy of the report considering the last Actuarial Valuation was provided to Board Members.

Board members asked questions about the staffing of the Board and noted that a variance in the accounts was caused by the Board's only full-time member of staff being transferred under TUPE to idverde.

Board members asked about burial figures and noted that in recent years the figures varied between 212 in 2012 and 262 in 2016 per year, but that in the 1990s this was over 400 burial per year. However there are currently less staff at the cemetery and no burial is turned away. The Treasurer stated that business model requires interest from reserves to provide sufficient income to maintain the cemetery in perpetuity when the land is fully utilised for burial purposes.

The Treasurer stated that price comparisons between local cemeteries had not been carried out recently, but the Client side manager would be asked to carry out such a comparison.

Members asked for further information regarding the Board's insurance cover.

The Board agreed the recommendations in the report but noted that a correction was required in recommendation D, such that 2017 was changed to 2018. The Board did subsequently set the date of this meeting to 20 November 2018.

RESOLVED

- A. To receive and approve the Draft Abstract of Accounts for 2017-18
- B. To approve the Annual Audit Return for 2017-18
- C. To approve the revised revenue estimates for 2018/19 at Appendix H
- D. To arrange an autumn 2018 meeting to review the operation of the contract and further review the budgetary position
- E. Review and Agree the Risk Register as at June 2018

7 PERFORMANCE REPORT FROM CONTRACTOR (Agenda Item 7)

The Board received the Performance Report from idverde. Members noted the issues that appeared in the complaints section of the report, Members did not think that it was acceptable that bins were overflowing, the toilet block was potentially unsafe and that grass cuttings were being blown over graves

The complaints were discussed:

Bins: Members were concerned about overflowing bins. Russ Kirk reported that the problem is that people try to dispose of wreaths that are too big for the current bins. Idverde propose to put larger bins in the Cemetery so that all waste can be disposed of. There would be fewer of these larger bins and they would be visually more sympathetic. They are being trialled in other cemeteries and appear to be working and helping people to correctly dispose of their waste. The bins are transferred to Beddington Lanes, so wreaths could be recycled.

Toilet Block: The Board were very concerned to hear about the condition of the toilet block and how parts of the ceiling had fallen down. The Treasurer assured Members that the board had set aside money to refurbish this toilet block. Members did not feel that the current situation was acceptable and asked officers to deal with this situation and to ensure the toilet block was safe. The Treasurer assured the Board that if the block was unsafe it would be locked.

Bearer Beams: Members noted that these are concrete slabs that effectively form the foundation for the headstones on the graves and that the Board is responsible for purchasing them.

Ahmadiyya Burials: The Board were concerned that the Ahmadiyya community felt that the service had declined at the cemetery, it was noted that Muslim burial must happen within a short timescale, and asked Russ Kirk to investigate.

Funeral arrived with no booking: The Board noted that this funeral been held even with no booking, and the lack of a booking was the fault of the funeral director. Members felt that this should be compliment not a complaint, in that Cemetery Staff had managed to accommodate this funeral with no prior notice.

Grass Cutting: Russ Kirk confirmed that the grass cutting schedule has been difficult this year owing to bad weather early in the season followed by excessive growth, but he agreed that the cut grass should be collected and not just blown onto the graves

The Board asked that idverde provide a similar report for all future Board meetings and asked if in future that could have burial statistics in the report.

8 EXCLUSION OF PUBLIC (Agenda Item 8)

RESOLVED: That the public are excluded from the meeting during consideration of the following report(s) on the grounds that it is (they are) exempt from disclosure for the reasons stated in the report(s).

9 EXEMPT MINUTES OF PREVIOUS MEETING (Agenda Item 9)

The Board asked about the comments reported in the exempt minutes of 20 February 2018 regarding the Boards Pension Fund situation, and noted that the Treasurer will again try to get the required information from the Surrey Pensions service.

RESOLVED

The Exempt Minutes of the Meeting on 20 February 2018 were agreed as a true record.

10 REPORT OF THE CLIENT SIDE MANAGER (Agenda Item 10)

As the Client Side Manager was not present at the meeting this report was postponed until the next meeting of the Board.

Board Officers present gave some background to some of the current issues.

MERTON AND SUTTON JOINT CEMETERY BOARD 20 NOVEMBER 2018

Wards: Borough Wide, Merton and Sutton

Subject: Update on Public Conveniences

Lead officer: Doug Napier, Greenspaces Manager

Contact officer: Doug Napier, Greenspaces Manager

Recommendations:

1. That the Board notes the contents of this report.
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To advise Merton and Sutton Joint Cemetery Board on the current status on the planned refurbishment of the public conveniences at the main entrance to Merton & Sutton Joint Cemetery.

2. DETAILS

- 2.1 At the meeting of the Board on 5 June 2018, the matter of the condition of the public conveniences located by the cemetery's main entrance was raised and discussed, focusing in particular on the condition and safety of the internal ceiling at that time.
- 2.2 Following the meeting of the Board on 5 June 2018, the Greenspaces Manager provided an update (with photograph, see Appendix 1) for Members on 19 June 2018 confirming that the toilet block ceiling had been entirely stripped (thereby eliminating any safety concerns) and that it was the Council's intention to carry out repairs and renovations to the building to ensure that the internal environment was more attractive and inviting for users and agreed, furthermore, to provide an update on progress at the next meeting of the Board.
- 2.3 Prior to the commencement of the planned renovations, our contractor, *idverde*, undertook the task of removing all vegetation from within one metre of the building and to unblock the air bricks, drainage gullies and down-pipes in order to increase ventilation and to avoid cold spots and condensation that might cause unnecessary further damage to the building fabric.
- 2.4 Members of the Board visited the toilet block during their annual site inspection tour of the cemetery on 17 July 2018 to view its condition at first hand.

2.5 The deteriorated condition of some of the doors and window frames prior to the renovation works are illustrated in Appendix 2 of this report.

2.6 The scope of the renovation works, currently in progress (see Appendix 3), includes the following items:

Main roof - replacement roof coverings.

Internal works - replacement ceilings to the WC areas, internal redecoration and wash down all surfaces.

External - Joinery repairs, including replacement window frames and sashes, doors & door frames. External redecorations.

3. ALTERNATIVE OPTIONS

3.1 None for the purposes of this report.

4. CONSULTATION UNDERTAKEN OR PROPOSED

4.1 None for the purposes of this report.

5. TIMETABLE

5.1 The current refurbishment exercise is due to be completed during this month (November 2018).

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1 A sum of £32,850 was allocated to the renovation project in the revised budget for 2018/19 presented at the 5 June 2018 meeting of the Board.

7. LEGAL AND STATUTORY IMPLICATIONS

7.1 None for the purposes of this report.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 None for the purposes of this report.

9. CRIME AND DISORDER IMPLICATIONS

9.1 None for the purposes of this report.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 Contained within the body of the report.

11. APPENDICES - the following documents are to be published with this report and form part of the report

- Appendix 1 - Stripped toilet block ceiling (June 2018)
- Appendix 2 - Pre-renovation toilet block windows & doors
- Appendix 3 - Renovated ceiling & roof (November 2018)

12. BACKGROUND PAPERS

- Minutes of the Merton & Sutton Joint Cemetery Board meeting of 5 June 2018.

Appendix 1 - Stripped toilet block ceiling (June 2018)



Appendix 2 - Pre-renovation toilet block windows & doors







Appendix 3 - Renovated ceiling & roof (November 2018)





This page is intentionally left blank

MERTON AND SUTTON JOINT CEMETERY BOARD 20 November 2018

Wards: Borough Wide Merton and Sutton
Subject: Contractor Report

Recommendations:

1. That Members review the information and note the content of the report.
 2. Request a contractor report is submitted to each meeting of the Board
-

1. Purpose of the Report and Executive Summary

1.1 This report to the Board reviews the activity from 1st January 2018 to 30th September 2018 and discusses work activity for the current financial year. It is intended that a report is presented to each meeting of the Board covering key areas of activity.

1.2 The report will cover the following areas:

- 1.2.1 Key performance activity
- 1.2.2 Complaints and compliments
- 1.2.3 Income

2. Details

2.1 Key Performance Activity January 2018 to September 2018

2.1.1 Grounds Maintenance

Merton and Sutton cemetery teams have successfully merged with the teams working across the Boroughs within the cemeteries.

Grass Cutting

The onsite team were assisted with the cemeteries grass cutting team during the growing season. This being not part of the contract specification to blow grass off memorials.

Burials and Burial Turnaround

More burials have taken place on Saturdays bringing in extra income for the service. The service is still flexible to meet the needs of the service. idverde has now built up a good working relationship with the surrounding Mosques and Funeral Directors. See appendix 2 for 2016 to 2018 burials per month and Saturday burials

See appendix 1 for Burial numbers for 1st Jan 2018 to 30th September 2018

Planting and upkeep service

There has been a change of supplier with the spring bedding. Planting is taking place now.

Cemetery Administration

The Merton and Sutton cemeteries administration teams have successfully merged. New office times 9am to 4pm Monday to Friday.

Bearer Beams - New

These have been completed on sections U, BX, and W

2.2 Targets for 2019

Replacement Bearer Beams Programme

The Board has a rolling programme to replace failing bearer beams. The older beams fail due to age and insufficient size to accommodate two headstones back to back.

A programme would need to start with section X and section F. X has 8 rows of beams with 532 graves. F has 3 rows of beams with 150 graves. The process is to take the headstones off the old beam, the new beam is installed and the headstones replaced. This has been previously undertaken on section B and section T.

Before work commences notices are placed on the sections explaining the programme.

A decision is required from the Board to restart the programme. Ideally this would start in Spring 2019

Mapping

A quote has been supplied to Merton officers for the digitising of the remaining sections and graves for the cemetery database. These graves and sections cannot be used until digitising is complete. Approval by the Board is required for the work to commence.

Roads and Footpaths repairs

There are a number of roads and footpaths that need urgent repairs. The Board saw these during the summer 2018 tour of the cemetery. This is outside of the contract specification.

Litter Bins

The trial of the wheelie bins at our other cemeteries is still ongoing.

Public toilets—A Separate report has been submitted on this subject

2.3 Complains and Compliments

2.3.1 Complaints of detailed

| Number | Reason |
|--------|--|
| | Headstones falling off bearer beams on section X |
| | Total 3 |

2.3.2 Summary of Compliment

| Number | Reason |
|--------|--|
| | Strange interment request which was undertaken as requested with family very happy with outcome. |
| | Total 1 |

2.3 Income

2.3.1 See Appendix 3: 1st January 2018 to 30th September 2018 income figures.

4. Consultation undertaken or proposed

4.1 None for the purposes of this report.

5. Timetable

5.1 None for the purposes of this report.

6. Financial, resource and property implications

6.1 As contained in the body of the report

7. Legal and statutory implications

7.1 None for the purposes of this report.

8. Human rights, equalities and community cohesion implications

8.1 None for the purposes of this report.

9. Risk management and health and safety implications

9.1 Considered within the Client Side Report

| Appendices | |
|-------------------|--|
| | 1 Burial numbers for 1 st January 2018 to 30 th September 2018 |
| | 2 Burial numbers for 2016 to 2018 per month including Saturday burials |
| | 3 – Income 1st January 2018 to 30th September 2018 |

Appendix 1

Date: Nov 2018

Agenda item:

Wards: Borough Wide Merton and Sutton

Subject: INTERMENTS

Lead officer: Mark Robinson

Details of interment statistics are provided below

DETAILS

1.1 During the period 1st April 2018 to 30th September 2018

| | 2018/2019 | 2017/2018 | 2016/2017 | 2015/2016 | 2014/2015 | 2013/2014 |
|------------------------------|------------|------------|------------|------------|------------|------------|
| April | 23 | 14 | 18 | 25 | 19 | 24 |
| May | 21 | 27 | 21 | 20 | 17 | 22 |
| June | 17 | 23 | 26 | 20 | 11 | 27 |
| July | 15 | 19 | 12 | 35 | 16 | 25 |
| August | 25 | 18 | 15 | 23 | 10 | 15 |
| September | 21 | 24 | 15 | 7 | 17 | 9 |
| October | | 18 | 26 | 27 | 19 | 19 |
| November | | 18 | 19 | 19 | 21 | 10 |
| December | | 14 | 24 | 19 | 19 | 11 |
| January | | 21 | 23 | 22 | 25 | 16 |
| February | | 26 | 16 | 25 | 21 | 20 |
| March | | 26 | 22 | 20 | 22 | 18 |
| TOTAL (for full year) | 122 | 248 | 237 | 262 | 217 | 216 |

2. FINANCIAL, EQUAL OPPORTUNITIES, PERSONNEL AND LEGAL IMPLICATIONS

2.1. None for the purposes of this report.

Contact Officer:

Mark Robinson, Registrar: 020 3876 8806

Appendix 2

Burial numbers for 2016 to 2018 per month including Saturday burials

| 2016 | MUSLIM | AHMAD | OTHER | SATURDAY | | | TOTAL |
|--------------|-----------|-----------|------------|----------|----------|----------|------------|
| | | | | MUSLIM | AHMAD | OTHER | |
| January | 2 | 2 | 15 | 0 | 2 | 1 | 22 |
| February | 3 | 5 | 22 | 0 | 0 | 0 | 30 |
| March | 0 | 1 | 14 | 0 | 0 | 0 | 15 |
| April | 0 | 3 | 15 | 0 | 0 | 0 | 18 |
| May | 1 | 3 | 16 | 1 | 0 | 0 | 21 |
| June | 8 | 1 | 16 | 1 | 0 | 0 | 26 |
| July | 1 | 2 | 9 | 0 | 0 | 0 | 12 |
| August | 3 | 3 | 9 | 0 | 0 | 0 | 15 |
| September | 0 | 1 | 14 | 0 | 0 | 0 | 15 |
| October | 4 | 3 | 19 | 0 | 0 | 0 | 26 |
| November | 2 | 2 | 15 | 0 | 0 | 0 | 19 |
| December | 5 | 4 | 14 | 1 | 0 | 0 | 24 |
| TOTAL | 29 | 30 | 178 | 3 | 2 | 1 | 243 |

| 2017 | MUSLIM | AHMAD | OTHER | SATURDAY | | | TOTAL |
|--------------|-----------|-----------|------------|----------|----------|----------|------------|
| | | | | MUSLIM | AHMAD | OTHER | |
| January | 5 | 3 | 15 | 0 | 0 | 0 | 23 |
| February | 4 | 0 | 10 | 1 | 0 | 1 | 16 |
| March | 5 | 2 | 14 | 0 | 0 | 1 | 22 |
| April | 2 | 1 | 10 | 0 | 1 | 0 | 14 |
| May | 7 | 4 | 13 | 1 | 2 | 0 | 27 |
| June | 4 | 1 | 16 | 0 | 1 | 1 | 23 |
| July | 4 | 2 | 13 | 0 | 0 | 0 | 19 |
| August | 3 | 4 | 11 | 0 | 0 | 0 | 18 |
| September | 5 | 3 | 16 | 0 | 0 | 1 | 25 |
| October | 3 | 3 | 12 | 0 | 0 | 0 | 18 |
| November | 3 | 0 | 15 | 0 | 0 | 0 | 18 |
| December | 5 | 0 | 9 | 0 | 0 | 0 | 14 |
| TOTAL | 50 | 23 | 154 | 2 | 4 | 4 | 237 |

| 2018 | MUSLIM | AHMAD | OTHER | SATURDAY | | | TOTAL |
|--------------|-----------|----------|------------|-----------|----------|----------|------------|
| | | | | MUSLIM | AHMAD | OTHER | |
| January | 1 | 2 | 18 | 0 | 1 | 0 | 22 |
| February | 3 | 2 | 16 | 2 | 2 | 0 | 25 |
| March | 3 | 0 | 19 | 2 | 1 | 0 | 25 |
| April | 3 | 0 | 17 | 1 | 1 | 1 | 23 |
| May | 2 | 1 | 14 | 3 | 1 | 0 | 21 |
| June | 0 | 2 | 14 | 0 | 1 | 0 | 17 |
| July | 3 | 0 | 11 | 1 | 0 | 0 | 15 |
| August | 3 | 2 | 21 | 1 | 0 | 1 | 28 |
| September | 2 | 0 | 15 | 3 | 1 | 0 | 21 |
| October | | | | | | | 0 |
| November | | | | | | | 0 |
| December | | | | | | | 0 |
| TOTAL | 20 | 9 | 145 | 13 | 8 | 2 | 197 |

Appendix 3

Merton & Sutton Joint Cemetery Income 1st January 2018 to 30th September 2018

| Description | January 2018 | February 2018 | March 2018 | April 2018 | May 2018 |
|-----------------------|---------------------|----------------------|--------------------|-------------------|-------------------|
| Purchase & Interments | 45,228.00 | 70,959.00 | 100,971.00 | 60,146.00 | 62,944.00 |
| Memorials permits | 3,755.00 | 1,811.00 | 257.00 | 2,631.00 | 7,226.00 |
| Transfer of ownership | 900.00 | 700.00 | 600.00 | 600.00 | 700.00 |
| Planting and Upkeep | 87.50 | 7,537.50 | 7,450.00 | 9,350.00 | 350.00 |
| TOTAL: | £49,970.50 | £81,007.50 | £109,278.00 | £72,727.00 | £71,220.00 |

| Description | June 2018 | July 2018 | August 2018 | September 2018 | Total To Date |
|-----------------------|-------------------|-------------------|--------------------|-----------------------|----------------------|
| Purchase & Interments | 36,311.00 | 49,055.00 | 67,490.00 | 50,460.00 | £543,564.00 |
| Memorials permits | 5,825.00 | 4,173.00 | 2,833.00 | 2,729.00 | £31,240.00 |
| Transfer of ownership | 400.00 | 600.00 | 200.00 | 500.00 | £5,200.00 |
| Planting and Upkeep | 0.00 | 0.00 | 0.00 | 0.00 | £24,775.00 |
| TOTAL: | £42,536.00 | £53,828.00 | £70,523.00 | £53,689.00 | £604,779.00 |

Committee: Merton and Sutton Joint Cemetery Board

Date: 20 November 2018

Wards: All

Subject: Amendments to Constitution and updated Risk Register

Lead officer: Zoe Church – Treasurer to the Board

Contact officer: Lisa Jewell - Clerk to the Board

Recommendations:

- A. That the Board agrees the proposed amendment to the Constitution of the Board that the appointment of Members to the Board lasts for one year and begins once they are appointed by their respective Council at its Annual Meeting
 - B. That the Board agrees the amendment to the Constitution such that the Annual meeting of the Board can be held at any time after its Members are appointed.
 - C. The Board agrees the amendment to the Constitution such that that the Quorum for a Board Meeting shall be one quarter of the whole number of members or a minimum of three members with at least one from each Council. If the meeting is inquorate then business, where possible, will be held over to the next meeting of the Board
 - D. That the Board notes the Risk Register at November 2018
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Constitution of the Merton and Sutton Joint Cemetery Board was written in 1943 and amendments have been made periodically since this time. Further amendments are proposed to allow the Board to meet its legal requirements with regard to new financial reporting arrangement
- 1.2. The Constitution is silent on the subject of its Quorum
- 1.3. An updated Risk Register is provided

2 DETAILS

- 2.1. The current Constitution, was originally written in 1943 and amendments made periodically since then.
- 2.2. The Constitution says that Members do not take Office until the 21st of June Each year and the Annual Meeting of the Board cannot take place before the 20th of June each year. Whilst there may have been good reason for these stipulations in the past, in the present they are unnecessarily restrictive on the operation of the Board.
- 2.3. New Financial Reporting Regulations require The Treasurer to have the Accounts approved as early as possible in June each year and this requires the Annual Meeting of the Board to be held before the 20th June each year
- 2.4. It must also be noted that Members are appointed to the Board each year by their respective Councils Annual Meeting both of which are held annually in May

2.5. Therefore it is proposed that the following amendments are added to the Constitution:

A. The Board Agreed in November 2018 the proposed amendment to the Constitution of the Board that the appointment of Members to the Board lasts for one year and begins once they are appointed by their respective Council at its Annual Meeting

B. The Annual meeting of the Board can be held at any time after the Members are appointed.

2.6. The Constitution is silent on the subject of a Quorum for Board Meetings. Again there may have been a reason for this in the past, but at this time it would be best practice to set out the requirements for a Quorum within an amendment to the Constitution. It is proposed that the Quorum for a Board meeting of The Merton and Sutton Joint Cemetery Board should be one quarter of the whole number of members or a minimum of three members, this requirement matches the requirement set out in the Constitutions of both Councils for similar meetings. As the Board has Members from two Councils an additional requirement is that there should be at least one member from each Council present to achieve a Quorum. The proposed wording will be

C. In November 2018 the Board agreed that the Quorum for a Board Meeting shall be one quarter of the whole number of members or a minimum of three members with at least one from each Council. If the meeting is inquorate then, where possible, business will be held over to the next meeting of the Board.

2.7. The Board are also asked to note an updated Risk Register for 2018/2019

3 ALTERNATIVE OPTIONS

3.1. The proposed change to allow the timings of meetings is necessary to meet new statutory obligations for financial reporting and closing of accounts. There is no alternative to this amendment

3.2. The proposed addition of a definition of the Quorum is to aid democratic decision making. No alternative is proposed.

4 CONSULTATION UNDERTAKEN OR PROPOSED - N/A

5 TIMETABLE – N/A

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

The Board are required to set a budget for the following financial year at their February meeting, this decision cannot be delay. The Board are required to despatch their draft accounts for external audit as soon as possible after year end, again this decision cannot be delay.

7 LEGAL AND STATUTORY IMPLICATIONS – N/A

- 8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS – N/A**
- 9 CRIME AND DISORDER IMPLICATIONS – N/A**
- 10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS – N/A**
The proposed updated risk register for the Board is attached as Appendix 2.
- 11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**
- Appendix 1 - Extract from the Constitution of the Merton and Sutton Joint Cemetery Board Appendix
 - Appendix 2 – MSJCB Risk Register as at November 2018
- 12 BACKGROUND PAPERS**
- 12.1. The Constitution of the Merton And Sutton Joint Cemetery Board

Appendix 1 -Extract from the Constitution of the Merton and Sutton Joint Cemetery Board Appendix

ELECTION OF MEMBERS -amended by 1977 Order

The number of members of the joint board to be elected by each constituent council shall be five.

Each constituent council shall elect the number of members of the joint board assigned to them by this Order in accordance with the following sub paragraph

- at their annual meetings in 1978 and in every fourth year thereafter, they shall elect members to come into office on the 21st June following and to hold office for a period of four years.*

AND

RULES AS TO MEETINGS AND PROCEEDINGS

1943 Order as amended by

1977 Order

1965 Order

1991 Order

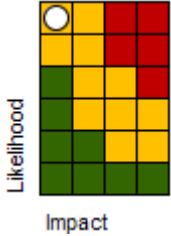




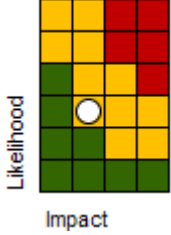

The first meeting of the joint board shall be convened by the Clerk to the Merton and Morden Urban District Council on such day (not being later than the first day of August nineteen hundred and forty three) and at such place as may be fixed by the Chairman of that Council.

The joint board shall in every year hold an annual meeting and at least one other meeting for the transaction of general business which as near as may be shall be held at regular intervals.

The first meeting of the joint board held after 1st April 1965 shall be the annual meeting for the year commencing on that date and for any subsequent year the first meeting held after the twentieth day of June shall be the annual meeting

Risks & Issues Register ~ Merton & Sutton Joint Cemeteries Board ~ November 2018 – APPENDIX 2

| Risk Owner | Code & Name | Risk or Issue | Cause | Consequences | Matrix | Current Score & Review History | Impact code | Control Measures in place | Date of comments |
|--|--|---------------|--|---|--------|--------------------------------|---|---|------------------|
| <p>Risk Register plotted on heat map:</p> | | | | | | | | | |
| Page 25 Doug Napier | MSJCB02 Pandemic leading to reduction in income | Risk | The risk is that income will be reduced in the long term. Initially there will be a surge in income from the mass grave at the cemetery. Subsequently it is envisaged that demand for burial services will be reduced for a number of years. | It is envisaged that the unitary income from a mass burial would be lower than that generated from individual burials. In addition, the Board may need to reconsider the length of time over which the extension loans are paid off. The initial surge in income would be offset by lower expected income levels for a period of time, and the Board may struggle to break even over this period. | | 4 08-Nov-2018 | R | Action Plan in place from the Corporate Pandemic (swine flu) plan which would use a number of cemeteries for mass burial. LBM will update plans as and when the threat of any new pandemic increases. | 08 Nov 2018 |
| | | | | | | 4 25-May-2018 | | | |
| | | | | | | 4 20-Mar-2018 | | | |
| | | | | | | 4 14-Nov-2017 | | | |
| Doug Napier | MSJCB07a Contracting out of Merton & Sutton services (operational implications) | Risk | The risk is that there will be a negative operational effect as a consequence of contracting out of Merton and Sutton office administration, grounds maintenance and grave digging services. | Negative impact on the operation and management of the cemetery. | | 2 08-Nov-2018 | - Client-side monitor the operation of the contract and the level of complaints - First contractor report has been received by the Board - The risk rating will be reduced further once this information has been embedded. | 08 Nov 2018 | |
| | | | | | | 6 25-May-2018 | | | |
| | | | | | | 6 21-Mar-2018 | | | |
| | | | | | | 6 14-Nov-2017 | | | |

| Risk Owner | Code & Name | Risk or Issue | Cause | Consequences | Matrix | Current Score & Review History | Impact code | Control Measures in place | Date of comments |
|------------|--|---------------|---|--|---|--|-------------|---|------------------|
| Zoe Church | MSJCB07b Contracting out of Merton & Sutton services (pension implications) | Risk | The risk is that the mature pension fund for which we anticipate the deficit will increase at each Actuarial revaluation. | Short, Medium and Long Term Pension implications |  | 6  08-Nov-2018 6  25-May-2018 6  25-May-2018 6  21-Mar-2018 | | The financial situation will continue to be monitored. This is a mature fund for which Surrey County Council is unable to provide a detailed breakdown of former staff. The next Actuarial Revaluation is due in 2020. As additional information becomes available, it will be reported to the Board. | 08 Nov 2018 |
| | MSJCB07c Failure of contracting-out arrangements | Risk | There is a risk that the contractor may withdraw from the contract and that Merton would need to re-provide the service. It is unclear whether the chances of this happening are heightened by Brexit | Withdrawal from the contract either by design or through administration/liquidation will have an impact upon service provision during the interim changeover period whilst Merton re-provides the service. |  | 6  08-Nov-2018 | R | The contract has a built-in notice period which will allow time to commence re-provision if necessary. | 08 Nov 2018 |

Committee: Merton and Sutton Joint Cemetery Board

Date: 20 November 2018

Wards: Lower Morden

Subject: REVISED LEASE ARRANGEMENT FOR GREEN LANE PRIMARY SCHOOL.

Lead officer: Chris Lee, Director of Environment and Regeneration.

Lead member:

Contact officer: Howard Joy, Surveyor to The Board

Recommendations:

1. That the report be noted.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To advise the Board of the assignment of the lease of the playing field to Kingston Council to the Coombe Academy Trust of Coombe Boys School.

2 DETAILS

- 2.1. Site A, Playing Fields, Land to the rear of Green Lane Primary School, Green Lane, Worcester Park (see appendix "site plan") is let to RB Kingston for school playing field under a lease dated 28th April 2016.
- 2.2. Green Lane Primary School has been granted an order to become an academy. To implement this Kingston council has granted a statutory 125-year lease of the school to the Coombe Academy Trust of Coombe Boys School, College Gardens, Blakes Lane, New Malden in respect of the land it owns. However, part of the playing field land is leased by Kingston from the London Borough of Sutton as Sutton holds the land on behalf of the Merton and Sutton Joint Cemetery Board.
- 2.3. Kingston council applied to assign its interest in the lease from the London Borough of Sutton to the Academy school as part of the Academy conversion but requires consent from Sutton and the Board by clause 18.1 of the lease.
- 2.4. The lease provides that Kingston have the right to assign their interest and the landlord can only object upon reasonable grounds. The only ground that could be considered reasonable would be if the assignment could frustrate future use for cemetery purposes by the Board. Legal advice is that agreeing to the assignment would not frustrate this use for cemetery purposes. This is because the academy is only entitled to an assignment of the remaining years under that lease, in this case 15 years, not to a new 125-year lease under the Academies Act 2010.
- 2.5. Surveyors for the London Borough of Sutton were consulted and on 18th July 2018 the Chair of the Board was advised of the position and advised that a report would be presented to the next meeting of the Board confirming the position.

- 2.6. As there was no reasonable ground available should the Board or LB Sutton wish to object to the assignment on 31st August 2018 licence to assign was completed.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Chair of the Board.
4.2. Officers of London Borough of Sutton.

5 TIMETABLE

- 5.1. The licence to assign and assignment have been completed.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Property implications are contained within the body of this report.
6.2. The rent of £4,000 p.a. will be paid by Coombe Boys School from 31st August 2018

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Under the terms of the Lease dated 28th April 2016 made between the London Borough of Sutton and the Royal Borough of Kingston, clause 18.1 states that consent to assign may not be unreasonably withheld. There were no reasonable grounds for the Council to object to the assignment and therefore consent must be given. In any event, section 19(1) Landlord and Tenant Act 1927 would imply such reasonableness.
- 7.2. Under The Academy Act 2010, an Academy is entitled to call for land (i.e. in this case the playing field) that has previously been used for the purposes of a school. There is nothing in the Academy Act allowing a local authority to oppose this.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There are no specific crime and disorder implications arising directly out of this initiative.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Site plan.

12 BACKGROUND PAPERS

522600E

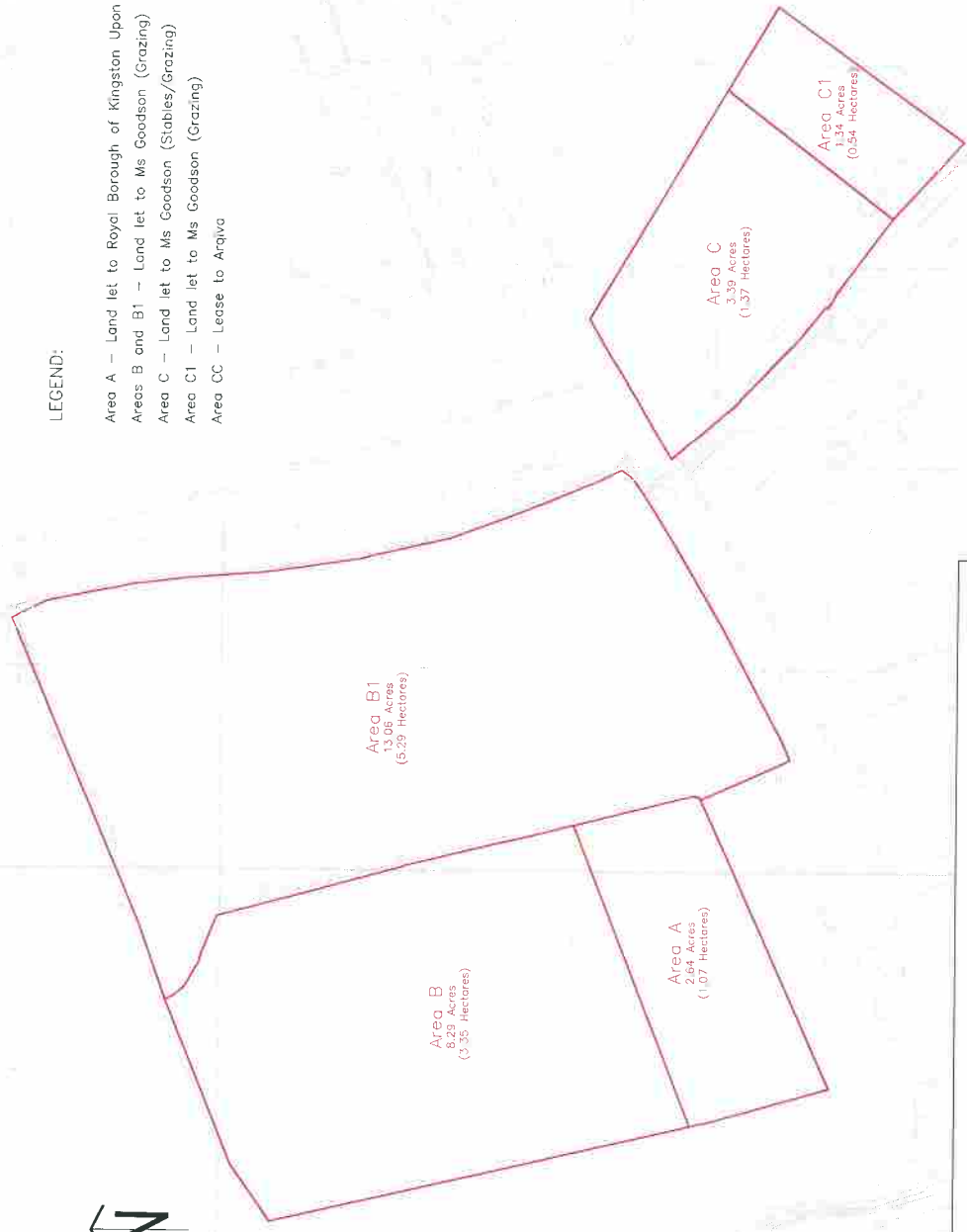
523500E

167200N

166600N

LEGEND:

- Area A – Land let to Royal Borough of Kingston Upon Thames
- Areas B and B1 – Land let to Ms Goodson (Grazing)
- Area C – Land let to Ms Goodson (Stables/Grazing)
- Area C1 – Land let to Ms Goodson (Grazing)
- Area CC – Lease to Arqiva



CLIENT

SITE
Green Lane Cemetery
Garth Road
Morden

DRAWING TITLE
Location Plan

PROJECT NUMBER
SP11224

PREPARED BY
RNG

SCALE
1:2500

DATE
May 2011

DRAWING NUMBER
SD11224-09

SHEET SIZE
A3

SHEET
1 OF 1



TECHNICS HOUSE
MIDNORTH BUSINESS PARK
SUDLEY COURT
SUDSBURY, G13 7VA
W: www.technicsgroup.com
T: 01454 200 680
E: sales@technicsgroup.com

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank