

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
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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