

Agenda Item 4

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MERTON AND SUTTON JOINT CEMETERY BOARD

26 FEBRUARY 2016

(2.30 pm - 4.01 pm)

PRESENT Councillors Agatha Mary Akyigyina (LB Merton), Nick Emmerson (LB Sutton), Philip Jones (LB Merton), Richard Marston (Vice Chair, LB Sutton), Geraldine Stanford (LB Merton), Graham Whitham (LB Sutton) and David Williams (LB Merton).

Chris Lee (Director of Environment and Regeneration LB Merton), Zoe Church (Treasurer to the Board), Howard Joy (Surveyor to the Board), Doug Napier (Leisure and Culture Greenspaces Manager - LB Merton), Mark Robinson (Cemeteries Manager and Registrar), Mark Waldron (Cemetery Supervisor), and Chris Pedlow (Clerk to the Board).

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Trish Fivey and Jill West.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations of pecuniary interest were received.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 26 June 2016 were agreed as a correct record.

4 ELECTION OF A CHAIR (Agenda Item 4)

Following the departure of the current Board's Chair Councillor Joan Henry an election of the Chair was required for the 2015-2016.

Councillor Richard Marston moved, and seconded by Councillor Philip Jones, the nomination of Councillor Agatha Akyigyina.

RESOLVED:

That Councillor Agatha Akyigyina be elected as Chair for the 2015-2016

5 GMB UNION ADDRESSING THE BOARD (Agenda Item)

The Chair of the Board invited the GMB - Workplace organiser GMB Terry Downes to address the board to raise concerns. He informed that the Board that their full time workforce had felt misled in terms of the information that they had received from the 'management', over the MSJCB involvement in procurement by the South London

Waste Partnership for 'Lot C' Ground Maintenance Core Work. It had been implied in discussions that the Board had agreed to be involved as part of this procurement exercise, but within the OJEU for 'Lot C', there was no mention of the MSJCB involvement. If they were involved in this exercise the Union would consider challenging the tendering process.

In terms of 'Lot C,' Mr Downes, also questioned what benefit it would be for the Board to be involved in any sort of outsourcing as the cemetery had made a recorded receipt using the current system with high customers' satisfaction.

It was confirmed to Mr Downes, that the Board had made no decision on this point over its involvement or otherwise in 'Lot C'. It was noted that the Board would be considering a report later at this meeting called '*Future Contract for the Provision of Office Administration, Grounds Maintenance and Grave digging services at cemeteries in London Borough of Merton*' and hearing the views of the Union on 'Lot C' was most welcome, timely and had provided them with additional information that would be useful to consider going forward.

6 BUDGET MONITORING 2015/2016 AND REVENUE ESTIMATES 2016/17 (Agenda Item 5)

The Board's Treasurer presented the report which detailed the projected outturn for 2015/16 based on the budget monitoring to 31 December 2016 and the revenue estimates for 2015/16. The report also contained the risk register, proposed fees and charges along with a breakdown of employees' costs.

The Board discussed the report and the appendices in detail, and raised a number of actions included:

- What was the car allowance relating to and to whom? The Treasurer stated she did not have that information with her but would supply it for the next Board meeting.
- Clarity was sort over the variance between the revenue estimate and the forecast position as at 31 March 2016 as shown in appendix A and the use and cost of agency staff
- On the risk register, it was requested that in future that the register be accessed by both Merton and Sutton Councils.

RESOLVED

That the Board:

1. notes the current budgetary position for 2015/16 based on the third quarters monitoring.
2. approves the Revenue Estimates for 2016/17 as submitted be approved.

3. sets at zero the precepts for the financial year ended 31 March 2017.
4. approves the scale of fees and charges detailed within Appendix E of the report with effective from 1 April 2016.
5. agrees to establishes it's next meeting in June 2016 to ensure that information is despatched to Merton's External Auditors by 30th June 2016.
6. reviewed and approves the Risk Management Strategy and Risk Register (as at February 2016) attached as Appendix I to the report

7 EXCLUSION OF THE PUBLIC (Agenda Item 6)

RESOLVED

That the public were excluded from the meeting during consideration of the following reports on the grounds that they were exempt from disclosure for the reasons stated in the reports.

8 GREEN LANE STABLES : OPTIONS FOR FUTURE USE (Agenda Item 8)

The Surveyor to the Board, presented the requested report on the options for future use of the land currently being used by Green Lane Stables. The report contained a proposal for a new lease for the land Ms Goodson currently rents, which she had agreed to in principle, subject to the Board's approval, along with an alternative option should the Board not agree those terms. The report also contained information over flooding issues on the Green Lane Stables and associated land.

The Board held a very lengthy discussion over the new lease proposal, with all Members expressing views on the options, noting that the land needs to be kept in use to stop it from going into disrepair or used illegally. During the discussion it was felt that the 5 year break clause was too long, especially considering the proposals of Ms Goodson for the site, that the defacto break clause for both sides should be set at 3 years, as this would be more appropriate. That proposal was moved and seconded and carried by 4 votes to 1 against and 2 non-voting. On advice from officers, the Board then agreed to empower the Board Surveyor to negotiate their preferred break clause with Ms Goodson.

RESOLVED

1. That two leases of the Green Lane Stables be completed with the existing tenant on the main terms contained within the body of this report, with the caveat that the Surveyor to the Board be empowered to negotiate the possibility of a revised break clause.

2. That a specification for a scheme to resolve the flooding be prepared to accompany the proposal plan and further discussions held to determine the detail so that the cost can be confirmed.

9 FUTURE CONTRACT FOR THE PROVISION OF OFFICE ADMINISTRATION, GROUNDS MAINTENANCE AND GRAVE DIGGING SERVICES AT CEMETERIES IN LONDON BOROUGH OF MERTON (Agenda Item 7)

The Leisure and Culture Greenspaces Manager presented the report that set out the options available to the Board for the future provision of office administration, grounds maintenance and grave digging services for MSJCB post January to March 2017.

The report set out 4 options for the Board to consider:

Option 1 Core Works

Option 2 Non Core Works (Schedule of Rates)

Option 3 Undertaking its own Tendering Arrangements

Option 4 To Do Nothing

Merton's Director of Environment and Regeneration, who had joined the meeting for this item, provided the Board with detailed information over the 'Lot C' procurement exercise by SLWP, on behalf of Merton and Sutton, including what services were likely to be procured. It was explained as a result of this process, from January to March 2017 it was likely that from many of the services the Board obtain from Merton, such as the use of their grave diggers, would not be provided directly by Merton and the board would need to consider how it would wish to obtain those services going forward. The board were reminded that they employed one full time officer and four part time employees, including their Treasurer and Secretary.

The board then held a lengthy debate over the positives and negatives of each of the four options and asked the officers a number of questions for clarification. One of the queries raised related to a point raised by Union's representative, over the MSJCB work not having been included in the OJEU Notice. In response it was confirmed, that based on legal advice, that the Board work would be covered in the current OJEU notice, if required.

As part of the discussion they looked at the potential financial implication going forward of each of the options and discussed the impact each could have on their full time employee, who was based at the cemetery, including in relation to the potential of the employee needing to be transferred to LB Merton and or then to a contractor.

In response to a question it was confirmed that the full time employee had received all the same information and briefings, as all Merton employees that could be affected by the procurement. The Board ask that this continues, but it needs to be made clear to the individual and his Union, that the Board was empowering Merton officers to do this one their behalf, as it was important no matter what their decision was that he was kept update.

In coming to a conclusion on this item Option 1 was moved and seconded to be their preferred option and this was voted upon and carried by 6 votes to 1. Councillor Williams asked that his vote against the resolution be recorded.

RESOLVED

1. That the Merton & Sutton Joint Cemetery Board agrees that the office administration, grounds maintenance and grave digging services for Merton & Sutton Cemetery (MSJC) is included in Lot 2 Phase C (Core Works) of the procurement grounds maintenance for London boroughs of Merton and Sutton
2. That the Treasurer to the Board commissions the information detailed within financial implications including pension fund information.

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