

Merton and Sutton Joint Cemetery Board

Membership:

Merton Council

Stan Anderson

Rod Scott

Margaret Brierly

Nick Draper

Geraldine Stanford

Sutton Council:

Dave Callaghan

Lester Holloway

Roger Thistle

(vacancy)

(vacancy)

The Annual Meeting of the Board will be held on:

Date: Tuesday 22 June 2010

Time: 19:15

Venue: Committee Room B, 1st Floor, Merton Civic Centre

Merton and Sutton Joint Cemetery Board

18 March 2010

1. Appointment of Chair for 2010-11
2. Declarations of interest
3. Apologies for absence
4. Minutes of the meeting held on 18 March 2010 3
5. Appointment of vice-chair for 2010-11

It is anticipated that the following reports will be issue on a supplementary agenda to be despatched as soon as possible.

Annual Governance Statement

Draft Accounts 2009-10

Attached for information

Constitution of the Board

Latest interment statistics

MERTON AND SUTTON JOINT CEMETERY BOARD
18 MARCH 2010

(19:15 TO 19:55)

PRESENT: Merton Council
Councillors Patricia Lewis (In the Chair) and Margaret Brierly
Sutton Council
Councillors Ian Chapman, Gerry Jerome and Peter Wallis
Grant Miles (Treasurer), Howard Joy (Surveyor), Mark
Robinson (Registrar), Mark Humphries and Richard Ladbrook
(LBM Facilities Management), Mark Waldron (Cemetery
Supervisor) and Colin Millar (Clerk to the Board)

Apologies for absence were received from: Councillors Rod Scott and Ron Wilson (Merton). Councillors Cliff Carter and John Drage (Sutton)

1 MINUTES OF THE MEETING HELD ON 18 FEBRUARY 2010
(Agenda item 3)

RESOLVED: That the minutes are agreed as a correct record

2 RESOLVED: That the public be excluded from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information – information relating to the financial and business of the Board.

3 CEMETERY EXTENSION WORKS (Agenda item 4)

Members agreed to not pursue option 3 due to the potential risks to the project and not to pursue either variant of option 2 because of the disruption to the operation of the cemetery and because they did not address future requirements.

RESOLVED: That the board:

- 1) agrees to proceed with options 1 and 1a with either a pond or a diverter located near the transformer;
- 2) delegates to the Registrar the authority to finalise the contract specification;
- 3) delegates to the registrar the authority to issue the specification for tender in accordance with Merton Contract Standing Orders and Financial Regulations;
- 4) instructs the Registrar in consultation with the Treasurer to report to the Board on the outcome of the tendering process; and
- 5) agrees to consider separate projects on the waiting area and bearer beams renewal after it has made its decision on the award of the redevelopment contract.

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CONSTITUTION OF THE MERTON AND SUTTON JOINT CEMETERY BOARD

Extracts from the Merton and Sutton Joint Cemetery Orders, 1943 to 1991.

LONDON BOROUGHS OF MERTON AND SUTTON

1943 Order as amended by 1965 Order The Carshalton and Merton and Morden Joint Cemetery Board shall continue to exist as a Joint Cemetery Board by the name of the Merton and Sutton Joint Cemetery Board for a united district comprising the London Boroughs of Merton and Sutton, but shall not be empowered to provide a new cemetery, and section 7 of the Public Health Act, 1936 (Restriction on discharge of functions by local authorities within united district) shall not apply to the said London Boroughs by reason of the provision of this paragraph.

1943 Order as amended by 1965 Order For the purposes of Paragraph 1, and for making new provision for the election of members of the said Board, the Merton and Morden and Carshalton Joint Cemetery Order, 1943 (under which the Board was originally constituted) shall have effect as amended.

SHORT TITLE

1943 Order as amended by 1965 Order These orders may be cited as the Merton and Sutton Joint Cemetery Orders, 1943 to 1991.

INTERPRETATION

1943 Order The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

In these orders unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:-

- “constituent district” means the London Borough of Merton or Sutton;
- “constituent council” means the council of a constituent district;
- “year” means the financial year commencing on the first day of April and “half year” means the financial half year commencing on the first day of April or the first day of October;
- “the appointed day” means the first day of April nineteen hundred and sixty five;
- “the joint board” means the Merton and Sutton Joint Cemetery Board constituted by these Orders;
- “the Minister” means the Minister of Housing and Local Government;
- “the united district” means the Merton and Sutton Joint Cemetery District constituted by these Orders.

When the day on which anything is required by these Orders to be done is a Sunday, Good Friday, Christmas Day or a Bank Holiday

that thing shall be done on the next following day not being one of the days before mentioned.

CONSTITUTION OF UNITED DISTRICT AND JOINT BOARD

1943 Order as amended by 1965 Order

The constituent district shall be constituted a united district to be called the Merton and Sutton Joint Cemetery District for the purpose of the acquisition, construction and maintenance of a cemetery for the interment of the inhabitants of the constituent districts.

The Joint Board shall consist of ten members, each of whom shall be a member of the council by whom he shall have been elected, and shall be called the Merton and Sutton Joint Cemetery Board.

ELECTION OF MEMBERS

1965 Order as 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.

The clerk of each constituent council shall, immediately after the election of any member of the joint board by that council notify the name, address and description of the member elected to the clerk of the joint board.

The members of the joint board in office on 31st March 1965 shall retire on 1st April 1965

PERIOD OF OFFICE

1943 Order

A member of the joint board who ceases to be a member of the constituent council by whom he was elected or otherwise becomes disqualified shall thereupon cease to be a member of the joint board.

Provided that a member of the joint board shall not be deemed to have ceased to be a member of the constituent council by whom he was elected if on or before the day on which he goes out of office he has been re-elected a member of that council

A member of the joint board may resign his membership by sending to the clerk of the joint board notice in writing of his desire to do so, whereupon a casual vacancy shall be deemed to have arisen, and the clerk of the joint board shall forthwith notify the clerk of the constituent council by whom the member was appointed of the vacancy.

Any casual vacancy in the membership of the joint board occurring more than two months before the ordinary date of retirement from the office in which the vacancy occurs shall be filled as soon as practicable by the election by the constituent

council in whose representation the vacancy arises of a new member and the person so elected shall come into office upon his election and hold office during the remainder of the term of office of the person in whose place he is elected.

Sections of the Local Government Act, 1972, shall apply to the joint board as if the joint board were a local authority other than a Parish Council.

MEETINGS AND PROCEEDINGS

1943 Order The meetings and proceedings of the joint board shall be conducted in accordance with the rules set forth in the first schedule to these Orders.

COMMITTEES

1943 Order as amended by 1977 Order The joint board may appoint committees composed of their members for the exercise of any functions which , in the opinion of the joint board, can be properly exercised by committees, but the acts of every such committee shall, unless otherwise directed by the joint board, be submitted to the joint board for approval;

Provided that a committee so appointed shall not be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

APPOINTMENT AND REMUNERATION OF OFFICERS, ETC.

1943 Order The joint board shall appoint a clerk and a treasurer and may appoint such other officers and servants as they think requisite.

The joint board may appoint to any office more than one person in which event the persons holding the office shall, subject to the provisions of these Orders, act jointly in the office.

The joint board may pay their officers and servants such reasonable remuneration as they deem expedient and every such officer and servant shall be removable by the joint board at their pleasure.

APPLICATION OF ENACTMENTS

1943 Order For the purposes of their functions under these Orders the joint board are hereby invested with all the functions, rights and liabilities of a local authority under the enactments mentioned in the second schedule to these Orders and those enactments shall apply accordingly, with the necessary modifications, to the joint board and the united district

COMMON FUND OF JOINT BOARD

1943 Order as amended by 1965 Order Subject to the provisions of paragraph (3) of this Article, any expenses incurred by the joint board shall be defrayed out of a common fund to which all the receipts of the joint board shall be carried.

For the purpose of defraying the expenses of the joint board not otherwise provided for precepts shall be issued by the joint board in respect of each year to each constituent council requiring them to pay a contribution to the common fund based on the proportion

which the aggregate rateable value of all the hereditaments in the constituent district bears to the aggregate rateable value of all the hereditaments in the united district as shown in the valuation lists on the first day of the half year in which the precepts are issued. Precepts in respect of the year 1965/66 may be issued before the 1st April 1965 to the Councils of the London Boroughs of Merton and Sutton.

So long as any monies borrowed or re-borrowed for the purposes of these Orders are outstanding, all monies received by the joint board in respect of grants or exclusive right of burial under section 40 of the Cemeteries Clauses Act, 1847, shall be applied to such one or more of the following purposes as the joint board shall think fit, viz.:-

- the discharge of monies so borrowed:
- the establishment or increase of a sinking fund for the repayment of such monies;
- purposes in respect of which the joint board shall have obtained from the Minister consent to the borrowing of money
- and any monies so received may be applied to the purposes specified in sub-paragraph (c) of this paragraph notwithstanding that they form the whole or part of a sinking fund

FINANCIAL ADMINISTRATION

1977 Order The joint board shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

ACCOUNTS AND AUDIT

1943 Order The accounts of the joint board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent council authorised by that council for that purpose and shall be subject to audit by a district auditor.

A copy of the abstract of the accounts of the joint board made by the district auditor shall be sent by the joint board to each constituent council as soon as may be after the completion of the audit.

COMPENSATION OF OFFICERS

1943 Order Every officer in office on the date of these Orders who by virtue of these Orders or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments and for whose compensation for that loss no other provision is made by any enactment or any order, rule or regulation made under any enactment for the time being in force shall be entitled to compensation under these Orders for that loss.

Any compensation payable under these Orders to an officer shall be awarded and paid by the joint board and the claim for

compensation shall be made by the officer accordingly.

For the purpose of the determination and payment of compensation to officers under these Orders the provisions set out in the fourth schedule to the Local Government Act, 1933, are hereby incorporated in this Order.

AGREEMENTS AS TO PROPERTY AND FINANCE

1977 Order The provisions of section 68 of the Local Government Act 1972 (transitional agreements as to property and finance) shall have effect as if the constitution of the united district were an alteration of an area under Part IV of the Act.

SETTLEMENT OF DISPUTES

1943 Order Subject to the provisions of these Orders any dispute arising in connection with the provisions of these Orders between the joint board and any constituent council or between the constituent councils, shall be referred to arbitration in the manner provided by section 303 of the Public Health Act, 1936.

INQUIRIES AND EXPENSES

1943 Order as amended by 1977 Order The minister may hold any Inquiry which he may deem necessary for the purpose of these Orders and section 250 of the Local Government Act, 1972, shall apply as if the joint board were a local authority.

1965 Order LEGAL PROCEEDINGS

Any legal proceedings pending at 1st April 1965 may be amended in such manner as may be necessary or proper in consequence of this order

THE FIRST SCHEDULE

RULES AS TO MEETINGS AND PROCEEDINGS

1943 Order as amended by 1977 Order 1965 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.

1991 Order 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

The joint board shall at their annual meeting appoint one of their number to be chairman, and the Chairman shall, unless he resigns his office or ceases to be a member of the joint board, continue in office until his successor is appointed.

The joint board may at their annual meeting appoint one of their number to be vice-chairman, who shall, unless he resigns his

office or ceases to be a member of the joint board, continue in office until immediately after the election of the chairman at the next annual meeting.

On a casual vacancy occurring in the office of chairman or vice-chairman of the joint board the vacancy shall be filled by the appointment by the joint board of one of their number at a meeting held as soon as practicable after the vacancy occurs and where the office vacant is that of chairman the meeting may be convened by the clerk of the joint board.

The person appointed under this rule to fill a casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired and he shall then retire.

At a meeting of the joint board the chairman, if present, shall preside.

If the chairman is absent from a meeting of the joint board the vice-chairman, if present, shall preside.

If both chairman and vice-chairman of the joint board are absent such member of the joint board as the members present shall choose shall preside.

The Chairman of the joint board may call a meeting of the joint board at any time.

If the Chairman refuses to call a meeting of the joint board after a requisition for that purpose, signed by four members of the joint board, has been presented to him or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any four members of the joint board on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the joint board.

Three clear days at least before a meeting of the joint board:-

Notice of the time and place of the intended meeting shall be published at the offices of the joint board, and, where the meeting is called by members of the joint board, the Notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the clerk of the joint board shall be left at or sent by post to the usual place of residence of every member of the joint board:

Provided that want of service of the summons on any member of the joint board shall not affect the validity of a meeting:

Provided also that no business shall be transacted at a meeting called by members of the joint board other than specified in the Notice thereof.

No business shall be transacted at a meeting of the joint board unless at least four members are present thereat.

A copy of the minutes of proceedings at each meeting of the joint board shall be sent to the clerks of the constituent councils within

fourteen days after the date of the meeting.

An inspector appointed by the Minister shall be entitled to attend any meeting of the joint board as and when directed by the Minister and to take part in the proceedings thereat but not to vote at the meeting.

The provisions of paragraphs 39 to 44 of Schedule 12 to the Local Government Act, 1972, shall apply to the joint board as if the joint board were a local authority and as if for references therein to the said Act there were substituted references to these Orders.

APPOINTMENT OF CHAIR AND VICE-CHAIR

Addendum to the constitution adopted by the Board at its meeting of 4 October 2004.

At the Annual Meeting in 2004 the Chair of the Board shall be appointed from Members nominated by the London Borough of Sutton constituent members and the vice-Chair from members nominated by the London Borough of Merton constituent members. Thereafter, nominations to each of these positions shall alternate between each Constituent Council annually.

THE SECOND SCHEDULE

ENACTMENTS APPLIED TO THE JOINT BOARD

Short Title	Enactments Applied	Subject Matter
The Public Health Act 1936	Section 198 Section 271 Section 277 Subsections (1) and (2) of Section 278 Sections 283 to 286 Section 288 Sections 293, 296, 298, 301, 302 and 304	Provision of Mortuaries Interpretation of "provide" Power of Councils to require information as to the ownership of premises Compensation for damage Notices, etc. Penalty for Obstructing Execution of the Act Recovery of Expenses and Penalties and Legal Proceedings
The Local Government Act 1972	Section 111 Sections 114 to 117 Sections 120, 121 and 123 Section 132 Section 135 Subsection (2) of Section 214 Section 223	Subsidiary Powers Officers Land Transactions Offices Contracts Provision and Maintenance of Cemeteries Appearances in Legal Proceedings

Section 229	Photographic copies of documents
Section 232	Public Notices
Section 234	Authentication of documents
Subsection (2) of Section 240	Costs in relation to provisional orders

MERTON AND SUTTON JOINT CEMETERY BOARD

22 June 2010

INTERMENT STATISTICS - FOR INFORMATION

- 1.1 During the period 30 January 2010 to 11 June 2010, 92 interments have been arranged, bringing the total to 21579 since the Cemetery opened on the 1 April 1947. These figures include 832 Muslim burials, which have taken place since space was allocated for this purpose in October 1973.

	2010/2011	2009/2010	2008/2009	2007/2008	2006/2007	2005/2006
April	17	14	34	18	27	34
May	27	17	22	23	23	25
June - 11 June	7	15	28	20	24	23
July		20	14	27	29	20
August		13	16	20	24	23
September		17	25	18	23	24
October		25	22	24	23	13
November		21	24	18	25	27
December		22	21	20	19	22
January		23	22	26	26	34
February		18	16	20	19	17
March		23	22	30	29	27
TOTAL (for full year)	51	228	267	264	292	290