

MERTON AND SUTTON JOINT CEMETERY BOARD

Date: 19 June 2012

Agenda item: 7

Wards: Borough Wide Merton and Sutton

Subject: Annual Governance Statement 2012/13

Lead officer: Zoe Church

Recommendations:

That the Annual Governance Statement be noted and agreed

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Merton and Sutton Joint Cemetery Board is required to prepare an Annual Governance Statement (AGS) for the year 2012/13. This statement is required in order to comply with Regulation 4(3) of the Accounts and Audit Regulations 2011. As a Joint Committee, MSJCB is one of the scheduled bodies for the purposes of these regulations.
- 1.2 MSJCB has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework "Delivering Good Governance in Local Government"
- 1.3 The AGS explains how MSJCB has complied with the code and also meets the requirements of the 2011 Regulations.

2. DETAILS

- 2.1 The purpose of the AGS is to report on the robustness of the governance arrangements at MSJCB. Corporate governance is defined, for the purposes of this report, as:

"The framework of accountability to users, stakeholders and the wider community, within which organisations take decisions, and lead and control their functions, to achieve objectives. The quality of corporate governance arrangements is a key determinant of the quality of services provided by organisations."
- 2.2 The framework describes the key elements of systems and processes that comprise the Authority's governance arrangements including arrangements for:

- Focussing on the propose of the Authority and creating and implementing a vision.
- Members and officers working together to achieve a common purpose with clearly defined function and roles.
- Values of Good Governance and standards of behaviour
- Making transparent decisions which are subject to scrutiny and risk management
- Developing the capacity of members and officers
- Engaging with local people and stakeholders

3. ALTERNATIVE OPTIONS

3.1 There are no alternative options as the AGS is a statutory requirement.

4. CONSULTATION UNDERTAKEN OR PROPOSED

4.1 No external consultation has taken place or is planned for this document.

5. TIMETABLE

5.1 This report has been prepared to meet the timetable for the approval of the Statement of Accounts.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1 There are no specific financial, resource or property implications.

7. LEGAL AND STATUTORY IMPLICATIONS

7.1 The AGS is a statutory requirement.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 There are no specific human rights, equalities or community cohesion implications.

9. CRIME AND DISORDER IMPLICATIONS

9.1 None for the purposes of this report.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 There are no specific risk management or health and safety implications.

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

11.1 Appendix I: Annual Governance Statement 2012/13

- 12. BACKGROUND PAPERS – the following documents have been relied on in drawing up this report but do not form part of the report**
- 12.1 CIPFA / SOLACE Delivering Good Governance in Local Government – Framework
 - 12.2 CIPFA / SOLACE Delivering Good Governance in Local Government – Guidance Note for Local Authorities

Appendix 1

1. ANNUAL GOVERNANCE STATEMENT (AGS) 2012/13

- 1.1 In compiling the AGS the Board has adhered to the Solace/CIPFA Guidance which is deemed best practice and addressed their six key principles:

2. Principle 1 – Focussing on the purpose of the Authority and creating and implementing a vision.

MSJCB is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently, and effectively. The Board also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The governance framework comprises the systems and processes, culture and values by which the authority is directed and controlled and its activities through which it accounts to, engages with and leads its communities. It enables the MSJCB to monitor the achievement of its scope and to consider whether this has led to the delivery of appropriate services and value for money.

In discharging this overall responsibility, the Board is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which include arrangements for the management of risk.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on going process designed to identify and prioritise the risks to the achievement of MSJCB activities etc., to evaluate the likelihood and potential impact of those risks being realised, and to manage them efficiently, effectively and economically.

The Board works within a code of corporate governance consisting of regulations issued by the Secretary of State. The members and officers of the Board discharge their duties within this framework and consistently with the adopted codes of corporate governance of their constituent councils. This is consistent with the principles of the CIPFA / SOLACE Framework, *Delivering Good Governance in Local Government*. The Annual Governance Statement explains how MSJCB has complied with the code and also meets the requirements of regulation 4(3) of the Accounts and Audit Regulations 2011.

2.1 Performance Management

The council has robust performance management arrangements in place and as part of the service planning process, performance indicators are challenged by the Business Planning team, Departmental Management Team, Corporate Management Team, reviewed by members and Overview and Scrutiny.

The performance management of MSJCB forms part of the arrangements established for Parks and Green Spaces. The key indicator for cemeteries is the level of income achieved from activities. This is monitored closely by the Board and its officers.

2.2 Financial Strategy and Management

Both Merton and Sutton have well established procedures for compiling their multi-year financial and business strategies. These are reviewed and updated annually. Implicit within these plans is the need for MSJCB to break even so that they do not need to precept constituent authorities. The need to extend the cemetery at a cost of up to £2million has just been completed. It is essential that the Board now generate sufficient income to fund both operational and debt financing costs.

The Board will be monitoring income and expenditure very closely over the next few years to ensure a break even position is maintained.

3. Principle 2 – Members and officers working together to achieve a common purpose with clearly defined function and roles.

MSJCB was established under the 1943 Order “for the purpose of the acquisition, construction and maintenance of a cemetery for the interment of the inhabitants of the constituent districts.” MSJCB is therefore a special purpose authority, whose activities are clearly defined.

The Order established a Constitution, which has been updated over the years as necessary. The Board currently comprises ten members (five councillors from Merton and five from Sutton), and four officers. Under current arrangements for the appointment of officers, in force since 1986, the Board's part-time Chief Officers are senior officers of the London Borough of Merton. The Registrar to the Board is the Cemeteries Manager and Registrar. The Treasurer and Section 151 Officer is the Council's Head of Business Planning. The Consultant Surveyor is a Merton employee. The Clerk to the Board is an officer from Corporate Governance. These officers work within the powers of the MSJCB, and the delegations from the London Borough of Merton.

4. Principle 3 – Values of Good Governance and standards of behaviour

The Board's members are bound by the Codes of Conduct of the constituent Councils. The Board's officers are employed by Merton Council and work within the governance standards of Merton Council. Officers and members undertake any training on these codes and standards as deemed appropriate by their constituent councils and this is considered sufficient for the purposes of discharging their duties as Board members and officers. Members and officers make declarations of interest in accordance with these codes and standards either to their constituent council or to the Board or to both as appropriate to the circumstances.

The accounts of the board are prepared and reviewed by internal audit, prior to despatch to external auditors as part of the annual governance process. The Board compiled a ten year budget plan to fully assess the impact of the cemetery extension. Financial performance is reported on a regular basis to Board members. The Board meets its gross expenditure through fees and charges. A Common Fund is also maintained as part of prudent financial management, in order to deal with unforeseen circumstances. In recent years MSJCB has been self-financing, and has not required a precept on the constituent boroughs.

5. Principle 4 – Making transparent decisions which are subject to scrutiny and risk management

The Board has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the managers within the authority who have responsibility for the development and maintenance of the governance environment, the head of internal audit's annual review, and also by comments made by the external auditors and other review agencies and inspectorates

Operationally the Cemetery falls within Merton Council and as such adheres to its anti fraud and corruption strategy, which was updated and approved by General Purposes committee in 2011/12. Integral to these arrangements is the Whistleblowing policy which is communicated to staff via the intranet, TV screen in the Civic Centre foyer, leaflets and posters to outbuildings. All Whistleblowing cases and action are reported annually to the General Purposes committee. Any items in respect of MSJC would be reported through to the Board.

The council also participates in the National Fraud Initiative (NFI) a computerised data matching exercise, led by the Audit Commission, designed to detect fraud perpetrated on public bodies.

5.1 Complaints

Merton's Complaints Policy will be reviewed in May 2013 to ensure on-going continuous improvement in how we deal with complaints. The annual complaints report is now published on the council's website. Complaints handling is included in departmental induction and specific training on how to respond positively to complaints has been provided to teams who have high volumes of complaints. The Board has reviewed and responded to complaints made in respect of Bearer Beams and this has led to work being carried out in 2012/13 to rectify concerns.

5.2 Transparency agenda

In delivering this agenda the Board is currently encompassed within the arrangements made by Merton Council to publish most of the information specified by the government's Open Data requirements on the council's Open Data webpage. Work is in progress to publish the outstanding data of the council's organisation chart and a list of property assets.

The Protection of Freedoms Act 2012 places a number of duties on public authorities with the aim to simplify the complex procedures around the release of Government-held datasets so they can be requested and used by the public and published on a regular basis. It is envisaged that the Board will be encompassed within any of the arrangements made by Merton.

Officers responding to Freedom of Information requests will be encompassed within Merton's arrangements. The DCLG Code of Recommended Practice for Local Authorities on Data Transparency recommends that publication should be in open and machine-readable formats and lists a 5 step journey to achieve this. Merton Council has reached step 2 of the journey and **step 3 should be reached by the summer**. Benchmarking indicates that our progress is in line with other councils. The new legislation suggests three licence options for charging for re-use, but strongly favours the open data licence, which enables free re-use.

With effect from April 2013, Merton Council now publishes an Information requests disclosure log. The disclosure log gives brief details of the requests received that week under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The council's performance in responding to Freedom of Information requests is published on the council's website via the performance monitoring dashboard.

5.3 Risk management

Risk management is a central part of the Board's system of internal control. The focus of the risk management strategy is to ensure the identification and treatment of risk as part of everyday management. The Risk Register is reviewed at each meeting of the Board.

5.4 Health and safety

The council's safety management system ensures compliance of employers under the Health and Safety At Work Etc Act 1974, The Management of Health and Safety At Work Regulations 1999 and all sister regulations.

Primary functions are to promote good health and safety practice across the council, develop and implement corporate policies and guidance to safeguard the health, safety and welfare of the Council's employees, clients, and members of the public and other persons. Assist departmental management teams identify and develop suitable systems and procedures in compliance with their duties under the legislation.

5.5 Contingencies, business continuity and emergency planning

The past year has seen a significant change in civil contingencies and emergency management. During 2011/2012 The London resilience structure underwent several changes, with resilience moving under the remit of London's mayor and City Hall. Changes to the London arrangements saw the deletion of the 6 regional local resilience foras as statutory bodies and the implementation of Borough Resilience Forums as statutory bodies delivering resilience at the local level. This change came into effect on 01.04.2012.

MSJC forms a part of the arrangements for burials which would be key during occurrences where there was a pandemic or mass fatality.

6. Principle 5 – Developing the capacity of members and officers

Members – Provision of Member development is made jointly with Sutton and a member's development plan is in place for both authorities. Induction training is provided for all new and existing members.

Personal Development Plans will be put in place for all members in the next few years. Training will be provided on information security. A process is in place for dealing with member complaints.

Officers – Training needs are identified through staff appraisals and training can now be booked on the council's iTrent System. Induction training is also available for all staff. A learning and development review during 12/13 has resulted in a list of expected Management behaviours; this will be included in the 14/15 appraisal process officer levels 1 to 3.

7. Principle 6 – Engaging with local people and stakeholders

The council uses a wide range of communications channels targeting different audiences. Our magazine, My Merton, is delivered to every household in the borough four times a year. We also make use of online and social media channels to target different audiences. Some services have developed bespoke communication channels to reach particular target audiences.

There are a wide range of engagement forums, some led by the council, others by the community, to communicate the council's vision and to consult local people, for example the Interfaith Forum, LGBT Forum, BME Forum, Involve, Community Forums, Youth Parliament, and Young Advisors

The council follows the principles for engagement agreed by Merton Partnership in 2010 as part of the Get Involved - Community Engagement Strategy. These principles let residents know what they can expect from council consultations and they are invited to report and occasions when consultations fall short of these expectations.

Board members often raise constituent concerns at meetings and are keen to review and respond to customer complaints

8. Overarching

Audit commission value for money findings for 11/12 – ‘Merton Council continues to have proper arrangements in place to secure financial resilience. It has a robust medium term financial plan, a good track record in achieving financial targets, and leadership from Members and Officers in driving change.

Merton Council internal audit services has carried out reviews of the councils main financial systems which are also used by MSJCB, an assurance has been provided as part of the councils AGS that the controls are reasonable. A review of the return has also been carried out.

The Treasurer has provided a Certificate of Internal Control for the year ended 31 March 2012, stating that they were aware of their responsibilities, and that they had complied with the Council’s policies and procedures. Directors’ assurances are included in the Report of the Head of Audit.

No significant governance issues have been identified during 2012/13. However, MSJCB, in conjunction with Merton Council, will continue to review its internal control processes, particularly with regard to performance management, risk management and business continuity.

9. Improvement Programme 2013/14

Business Continuity Plans and Business Impact Assessments To update all Business Continuity Plans and to ensure that Business Impact assessments have been completed	Head of Safety
Performance and Risk Management System To implement a new performance management system to improve the monitoring of targets	Head of Business Planning
Management behaviours To roll out the management behaviour system for all managers to ensure a consistent and suitable level of competency	Head of HR

- 9.1 We propose over the coming year to take steps to implement the improvement areas identified to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Chair of the Board

Registrar to the Board

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