

Part A

Report to: Cabinet
Date of meeting: 4 June 2018
Report of: Head of Community and Environmental Services
Title: Watford Rural Parish Fees - Cemetery Agreement

1.0 Summary

- 1.1 Watford Rural Parish has requested to terminate their agreement with the Council in relation to burial rights and fees payable in relation to Watford Rural Parish residents. The original agreement was signed in 1963 with 2 deeds of variation in 1994 and 2006. To terminate this agreement requires Cabinet approval.

2.0 Risks

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(Treat, tolerate, terminate, transfer)</i>	Risk Rating (the combination of severity and likelihood)
Loss of income	Income targets not achieved	Fees & Charges levied as per current rate for non-residents	Treat	2

3.0 Recommendations

- 3.1 To accept Watford Rural Parish Council's request to terminate the agreement from January 2019; and
- 3.2 To agree that all future requests for burials from Watford Rural Parish are treated as non-residents and charged accordingly in line with agreed annual fees and charges.

Contact Officer:

For further information on this report please contact: Paul Rabbitts, Section Head of Parks, Open Spaces & Projects
telephone extension: 8250 email: paul.rabbitts@watford.gov.uk

Report approved by: Alan Gough, Head of Community & Environmental Services

4.0 Detailed proposal

- 4.1 Watford Rural Parish Council has had an agreement with Watford Borough Council since 1963 pertaining to the administration of cemeteries and burial grounds at Vicarage Road and North Western Ave, Watford. The Parish Council's Finance and Administration Committee met recently and has since written to the Borough Council in January 2018, in relation to this agreement and to ask the relevant committee to discuss the possibility, if both parties agree, of ceasing the agreement to take effect from January 2019.
- 4.2 The original agreement contains no termination provision so this requires termination by mutual consent. The Council entered the agreement originally as the previous Joint Burial Board was being abolished and the Council was taking over control of the cemeteries. In return for those, people who lived in the Watford Rural Parish area outside the borough boundary had the right to be buried in the cemeteries. The Rural Parish agreed to contribute toward the cost of running the cemeteries, originally based on a rateable value calculation, but, once domestic rates were abolished in the 1990's, a different formula was introduced, which was then readjusted in the 2006 agreement to a fixed fee with RPI increases to be reviewed every 5 years from 2005.

The Elected Mayor has agreed that the agreement can be terminated and has asked it is referred to Cabinet for final approval.

5.0 Implications

5.1 Financial

5.1.1 The figures for 2016/17 and 2017/18 are shown below:

	2016/17	2017/18
Number of Burials/internments	13	13
Actual income paid to cemetery	£ 17,055	£ 16,685
Watford Rural Parish contribution	£ 24,212	£ 27,730
Total income	£ 41,267	£ 44,415
Income without the arrangement in place	£ 51,880	£ 50,060
Benefit to the Council without the arrangement	£ 10,613	£ 5,645

These figures do not include memorial installations which would increase our income further should we have included them.

The potential loss of income is, therefore, negligible but has been identified as a possible risk.

5.2 Legal Issues (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that as the original agreement did not include any termination provisions it can only be terminated by mutual consent.

5.3 Equalities/Human Rights

5.3.1 Having had regard to the council's obligations under s149, it is considered that there are no equality issues that are affected.

Appendices

None

Background Papers

Request from Watford Rural Parish Council to agree to terminate agreement January 2018.

File Reference

None