

Rogerstone & Bassaleg Joint Burial Board

Minutes of the Joint Burial Board Meeting

Tuesday 10th January 2022

Held remotely via Zoom

Present:

Cllr John Harris (G) Chair, Cllr Stewart Jones (R), Cllr Y Forsey (R), Cllr N Tarr (G), Cllr R Caston (G), Cllr K Hopkins (R)

Apologies

Cllr S Mlewa (R), Cllr S Bowen (R)

1. Minutes of the Last Meeting

The minutes were agreed as a true record of the meeting.

2. Matters Arising

2.1

The Clerk advised that a replacement for Cllr Hearn will be discussed at the next meeting of Rogerstone Community Council.

2.2

Cllr Gregory was invited to give an update on the Employment Tribunal position & commented as follows;

The Employment Tribunal has made a number of requests for further information from the former Clerk but nothing has been submitted. The Council's solicitor therefore requested a Strike Out Notice be issued, which has been done. The former Clerk did not respond therefore there is a final opportunity for her to appeal within 42 days which expires 31st January 2022.

2.2

Cllr Harris confirmed that Graig Community Council would be content to discuss residents discounts & also interments of non-residents towards the end of the financial year when the impact of adopting Newport City Council's fees & charges can be quantified.

2.3

Cllr Harris confirmed that Graig Community Council agree that Rogerstone Community Council's Standing Orders & Financial Regulations will be adopted on a permanent basis (insofar as they apply to the Burial Board), which was agreed by the Board Members.

2.4

The Clerk reported that Trikon Commercial Waste Solutions have issued a Letter Before Action which is a prelude to Court Action.

The Letter Before Action demanded payment of £640.23 for the provision of waste disposal services during 2019 / 2020. This claim was once again challenged for the reasons previously given, but the Burial Boards records from September to the end of December are incomplete, which may weaken the Boards case should the matter proceed to Court Action.

However, following the Burial Boards challenge, Ward Hadaway (Trikon's Solicitors) have made a 'Without Prejudice Save as to Costs' offer of a £200 in full & final settlement to avoid Court Action.

Members discussed the offer & agreed that if the case went to Court Trikon may be awarded part payment due to part performance early on in the contract, which would also mean that the Board would incur legal costs to defend the overall claim.

Following further discussion, Members unanimously agreed it would be expedient to accept the offer of £200 in full & final settlement to avoid Court Action

3. Clerks Report

3.1

Burials

3.1.1

To give Members an indication of demand, the following has been taken from 1st September 2021 – 31st December 2021

- 0 new full burials
- 2 existing plot full burials
- 5 new cremated remains
- 0 existing plot cremated remains

3.2

Operational

3.2.1

The boundary hedge where the laurel tree was removed to create existing capacity has now been reinstated.

3.2.2

Following an inspection of the benches of benches in the cemetery, two were considered to have deteriorated to an unsafe condition & have now been removed.

A notice has been placed in respect of sponsoring new benches as a memorial & there has been two interests registered to date.

3.3.3

Trikon Solutions have instructed Ward Hayward Solicitors to recover £640.23 for the waste disposal contract entered into by the Burial Board during 2019 / 2020. Trikon now allege that the former Clerk to the Burial Board agreed to pay the agreed fee for the year in advance & when no payment was made, the bin delivery ceased.

The debt has again been challenged due to non-performance of Trikon, however there appears to be an absence of documentation on file for the period August 2019 to January 2020

3.4

Financial

3.4.1

The income & expenditure transactions of the day to day revenue account from 1st September 2021 to 31st December 2021 are as follows:

September

Income: £410.76

Expenditure: £559.78

October

Income: £2593.86

Expenditure: £872.54

November

Income £1023.92

Expenditure £167.64

December

Income £769.02

Expenditure £368.72

Account Balances at 31st December 2021

Current Acc: £17586.61

Reserve Acc: £75,008.67

NB - The Clerk`s salary will be an end of year transfer to Rogerstone Community Council of £386.12 per month plus NI & Pension contributions.

4. Exclusive Right Of Burial

4.1

The Clerk presented the Options Appraisal previously circulated to Members which outlined the Headline options available to Members at the expiry of the 50 year Exclusive Right Of Burial term, viz:

The Community Cemetery received its first interment was on 18th January 1968 with the Exclusive Right Of Burial (EROB) granted to Magor & St Mellons Rural District Council. Subsequently there were: 4 further interments between 1971 & 1978; after which the number of interments generally gradually & slowly increases year on year.

The issue for consideration is that EROB`s are granted for a period of 50 years.

Ownership of an EROB does not imply ownership of the land or the right to carry out any particular activity on the grave plot as the ownership of the cemetery land remains with the Joint Burial Board. The owner of the EROB however has the automatic right to be buried in the grave & may also allow others to be buried there (space permitting).

Once the rights have expired, the ownership reverts back to the Joint Burial Board. No further burials can take place until the EROB is purchased again. The law allows the disturbance of human remains after 75 years from the date of the last burial in the grave.

In July 2013 The Joint Burial Board placed a public notice that applications for pre-purchasing burial plots were no longer being accepted. However prior to this decision many pre-purchased EROB`s were sold, of which approx. 100 EROB still remain.

Headline Options

(i)

Once the 50 year term expires, the plot reverts to the ownership of the Joint Burial Board.

- The plot reverts, but cannot be disturbed for 75 years after the most recent interment.
- There will be no further income arising from the plot

(ii)

The owner of the expired EROB is written to at the address on file & offered the opportunity to renew the EROB for a further 50 years at the prevailing cost at the time of renewal.

- There will be the burden of additional administration in trying to locate the owner & altering the existing records, including the Transfer of Exclusive Right of Burial

- There will be additional income (current rate of £579.20 per interment plot & £276.89 per cremated remains plot.
- Many of the registered EROB owners may be untraceable with the passage of time

There will be the sensitivities of what to do with the headstone after the expiry of the 50 year EROB along with what to do 75 years after the last interment when the Joint Burial Board will be allowed to disturb the remains.

There will also be the issue of parity where one EROB is renewed & another may not be

However, there is the opportunity to generate additional revenue to support the ongoing maintenance of the cemetery, but this will also generate additional administration work.

Following discussion, Members agreed to place a notice in the Cemetery Notice Board asking EROB owners or relatives to notify the Clerk as soon as possible if circumstances change.

It was also agreed to take no further action at present, but to annually monitor the situation.

5. Fees & Charges

Members agreed that the increases for 2022 / 2023 Fees & Charges should replicate Newport City Council increases to maintain consistent charges.

6. Any Other Business

6.1

Cllr Harris advised that whilst Graig Community Council have not been charged directly for Legal Services to defend the Employment Tribunal Claim by the former Clerk, the legal representation has been via their insurers. Consequently, this years insurance premium has increased by £1000 so would the Burial Board consider funding or contributing to this cost.

Members discussed comparing competitive quotes for the required policy to ensure that it is best value & Members of Rogerstone Community Council agreed to take the matter back to the next meeting of the Community Council for consideration, but will need to have the background to the increase, ie policy cost pre legal support, policy cost post legal support & how much of the increase is attributable specifically to the legal support claim. Cllr Harris & Cllr Gregory agreed to provide this.

6.2

The Clerk reported that he had received a request from Tovey Brothers in respect of one of their clients who had pre purchased a burial plot at Rogerstone & Bassaleg Community Cemetery & wished to transfer it to Tovey Brothers.

Members agreed that pre purchased plots were non transferrable, therefore the owner could apply for a refund to the burial board & the plot would revert.

6. Date of Next Meeting

Tuesday 12th April 2022 at 7.00pm.