



Assets, Regeneration and Growth Committee

27th November 2017

Title	Proposed cemetery acquisition – Milesplit Hill
Report of	Councillor Daniel Thomas
Ward	Mill Hill
Status	Public with an accompanying exempt report and appendix
Urgent	Yes - As the asset is currently on the market and we are aware of interest from other parties
Key	Yes
Enclosures	Appendix 1 – Site Plan Exempt Appendix2 (a and b) Financial cost modelling
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Summary

This report provides an update and recommendations for the acquisition of the Milesplit Cemetery, following LBB officer investigations and further analysis having been conducted, following a report being considered by the London Borough of Barnet's Environment Committee on the 11th January 2017. This report highlighted the shortage of new burial space at Hendon Cemetery and Crematorium (HCC) and the potential impact of burial space running out by 2020.

Recommendations

1. That the Committee approves in principle, the purchase of the Milesplit Cemetery, at appendix 1.
2. That the Committee delegates authority to finalise the purchase to the Director of Resources.

1. WHY THIS REPORT IS NEEDED

- 1.1 On 11 January, a paper was submitted to Environment Committee highlighting the current issue regarding a shortage of burial space at Hendon Cemetery and Crematorium (HCC).
- 1.2 Analysis has indicated that “based on current burial rates, burial space is more than likely to be exhausted within the next 2 to 3 years. Should an agreed solution not be forthcoming, the impact will be that the Council will no longer be able to offer burial plots to Barnet residents and a further impact on the Council’s budget and income required to run the existing service. It will also impact on further projected increased income”.
- 1.3 HCC is part of the service delivered by Re Ltd. under the terms of the Development & Regulatory Services (DRS) contract which runs until 2023. As such, the income received for this service contributes to the annual guaranteed income. Whilst the level of annual income to be achieved under the DRS contract is guaranteed for the duration of the contract, the impact highlighted above will have an adverse financial effect on both partners (LBB and Re Ltd.) owing to the inability to satisfy the ongoing demand for burial space in the borough.
- 1.4 A suitable site has been identified and a feasibility project has identified a site that could satisfy the Council’s need for additional burial space for many years to come. The following detail has been reviewed:
 - The site location
 - The commercial model – forecast profit and loss for the new site
 - Relevant principles of the DRS contract
 - Proposed next steps
- 1.5 The site plan is located below (appendix 1) The 11 acre Milesplit Hill site (small red outline on map appendix 1) has come to market with planning permission for a cemetery; with sufficient capacity to provide 20 - 40 years of burial space for the borough. Its location is less than 1 mile from HCC and is accessed through the adjacent Westminster Cemetery.
- 1.6 The site is currently without the infrastructure required to support a functioning cemetery (i.e.) road, maintenance sheds, drainage, car park etc. Therefore an initial capital investment will be required to enable the site to function as an extension to HCC. This has been considered in the commercial model developed by Re and included at Appendix 2.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The acquisition will enable LBB to fulfil sufficient burial space capacity for the next 20 – 40 years also resulting in an increase of income. The number of years span is estimated based on a single burial plot v family and/or multi-burial plots being utilised.

- 2.2 As this site is already part of a cemetery in the borough with planning permission, LBB's plans for provision of additional burial spaces can readily be implemented.
- 2.3 The site will be an asset owned by the Council. Therefore, the capital investment cost for the purchase of the site and the infrastructure investment will be borne by the LB Barnet.
- 2.4 This acquisition of the new burial site will enable the LB Barnet to satisfy the demand for burial space in the borough and generate additional income, which will allow the Council to recover its investment costs, but over the longer term, and should be viewed as an income generating asset.
- 2.5 The site is likely to be a Cemetery/Garden of Peace irrespective of ownership.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Do nothing – this could lead to the council no longer being able to offer burial plots to Barnet residents and to reduction in the Council's budget and income required to fund the services it provides.
- 3.2 Re and LBB Officers have looked at alternative locations but these have been discounted due to location and high acquisition and building costs. We estimate we will run out of burial space by 2020 if we do not act swiftly.

4. POST DECISION IMPLEMENTATION

- 4.1 All necessary works identified will be conducted by Re, and allocated LBB officer resources. Legal teams and specialists will be instructed as required.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2015 – 2020 is based on the core principles of fairness, responsibility, and opportunity to make sure Barnet is a place:

- Of opportunity, where people can enhance their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer.

- 5.1.2 This report supports these core principles.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Further investigations and subject to approval to acquire the acquisition, remedial works will be instructed and commissioned in accordance with the Council's Contract Procedure Rules.

5.2.2 The cost of the acquisition, investigations and associated costs will be funded from the Strategic Opportunities Fund in the capital programme. Further details are contained in the exempt appendix 2 (a and b).

5.3 Legal and Constitutional References

5.3.1 All proposals emerging from this report must be considered in terms of the Council's legal powers and obligations, including its overarching statutory duties such as the Public Sector Equality Duty.

5.3.2 The Council's Constitution, Article 7.5, Responsibility for Functions, states that the Assets, Regeneration and Growth Committee is responsible for asset management.

5.3.3 Council, Constitution, Article 10 Table A states that the Assets Regeneration and Growth Committee is responsible for authorising all acquisition of land for over £500k.

5.4 Risk Management

5.4.1 The Council has an established approach to risk management. Key corporate risks are assessed regularly and reported to Performance and Contract Management Committee on a quarterly basis.

5.4.2 A more detailed risk log will be developed following production of the action plan.

5.5 Equalities and Diversity

5.5.1 The general duty on public bodies is set out in section 149 of the Equality Act 2010.

5.5.2 A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.5.3 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.5.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

5.5.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, the need to tackle prejudice; and promote understanding.

5.5.6 Compliance with the duties in this section may involve treating some persons more favourably than others but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

5.5.7 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.5.8 It also covers marriage and civil partnership with regard to eliminating discrimination.

5.6 **Consultation and Engagement**

5.6.1 There is ongoing engagement with Council Officers, Re, various Local Authority Departments, 3rd Party Consultants and Council residents.

5.6.2 Re, supported by LBB officers will continue to engage with the freeholders of the site with a view of agreeing a purchase price and achieving draft Heads of Terms for consideration by the Council

5.7 **Insight**

5.7.1 The Council has reviewed its current HCC burial site in production of this report.

6. **Background Papers**

6.1 Environment paper dated 11th January 2017 - <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=8592&Ver=4>

