

POLICY AND RESOURCES COMMITTEE – 21 MARCH 2016

PART I – DELEGATED

5. LEASE OF LAND WITHIN WOODCOCK HILL CEMETERY (DCES)

1. Summary

- 1.1 To seek Authority to alter the lease terms proposed for the leasing of graves to Battlers Wells Foundation (BWF).

2. Details

- 2.1 A report to Policy & Resources Committee on 6 July 2015, gave details of future parking within Woodcock Hill Cemetery and suggested that land be leased within the Cemetery to BWF, to fund the car park. Members resolved that Officers enter into negotiations with Battlers Wells Foundation to lease the unallocated land adjacent to Section J (see Appendix A) for 99 years and that a proportion of the receipt from this lease be used to provide the car parking required within Woodcock Hill Cemetery (Minute PR07/15 refers).

- 2.2 Officers have duly entered into negotiations however two subsequent issues have now arisen:

(a) The trustees of Battlers were unaware of the significant increase in land value, since they originally purchased land in that area in 2009. They originally paid £79,200, for 200 graves (£396 per grave), but subsequent price increases means that the price per grave is now £855, which totals a capital cost of £222,300 for the remaining 260 graves. They have not been able to raise that money in one go and have therefore requested that an exchange of contract occurs as soon as possible, with a completion date of 31 March 2017. This will ensure that they have sufficient time to raise the money required.

(b) In addition, BWF has pointed out that in 2009 they were granted a lease of 120 years, for the adjacent graves within Section J. This means that the termination date for these graves is 2129. They have requested that they lease the remaining unallocated graves for a longer period of time than 99 years, in order to make it co-terminous with the graves leased in 2009. This will mean that the new lease is issued for a period of 112 years and 4 months.

- 2.3 Officers have no concerns over either request, other than by having an exchange, followed by a completion, increases this Council's legal costs. Officers have therefore requested that BWF meet these costs and they have agreed to this in principle, (subject to final costs being proven).

- 2.4 It is important to note that there is no loss of income to the Authority when the land is leased in bulk in this manner. At the time of any interment within the Section, BWF pay the difference in land value to the Authority and any additional costs for non-resident status. Therefore, using the figures detailed in paragraph 2.2 (a) above, for any interment happening within section J now, BWF pay the additional £459 for land value and then the full grave price (£855) is multiplied by 2.5 times, if the resident is not from within the District. This will increase to a multiplying by 3 times, in April, in line with recommendations made by the Leisure and Wellbeing Committee within the recent budget setting process.

2.5 A planning application has been submitted for the car park and the capital funding required (£95,000) is budgeted for 2016/17. This means that the work will take place prior to receipt of income from BWF

3. **Options / Reasons for Recommendation**

3.1 The requests from BWF are, in officers' opinion, not unreasonable. Leasing the land to BWF will generate a capital receipt to the Authority of £222,300.

3.2 The alternative would be to designate the land for Muslim burials, but lease the graves on a grave by grave basis as they are used. This however would not generate the significant capital receipt and would increase administration time within the Department.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy of providing grave spaces for all faiths within the District and are also within agreed budgets.

5. **Financial Implications**

5.1 The capital implications are shown below:

CAPITAL IMPLICATION	2015/16 £	2016/17 £	2017/18
Works to Car Park	0	95,000	0
Receipt for Lease of land	0	(222,300)	0
TOTAL	0	(127,300)	0

6. **Staffing Implications / Environmental Implications / Legal / Community Safety/ Customer Service Centre/ Communication and Website /Equal Opportunity Implications**

6.1 None specific.

7. **Risk Management and Health & Safety Implications**

7.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

7.2 The subject of this report is covered by the Environmental Protection Service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

7.3 The following table gives the risks if the recommendation(s) are agreed, together with a scored assessment of their impact and likelihood:

Description of Risk		Impact	Likelihood
1	BWF does not pay legal fees	I	F

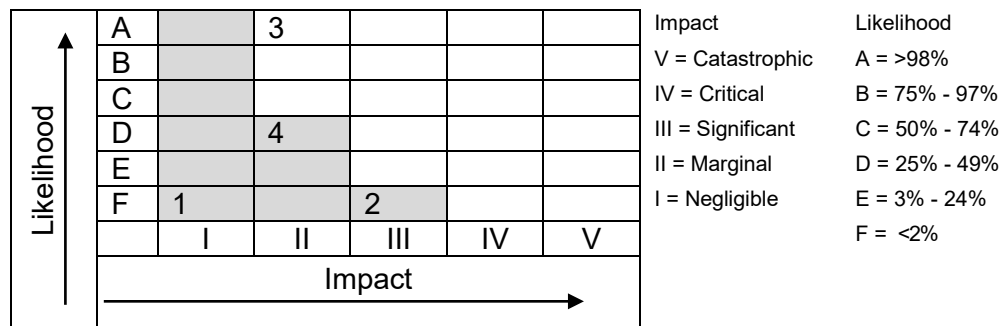
2	Completion does not take place – capital underspend	III	F
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7.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

Description of Risk		Impact	Likelihood
3	No Capital receipt to pay for car park	II	A
3	BWF find alternative facility	II	D

7.5 Of the risks detailed above none is already managed within a service plan.

7.6 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.



7.7 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

8. Recommendations

8.1 That Policy and Resources Committee agree that:

8.1.1 the Exchange of Contract for 260 graves within Woodcock Hill Cemetery takes place in May 2016, with final completion by 31 March 2017;

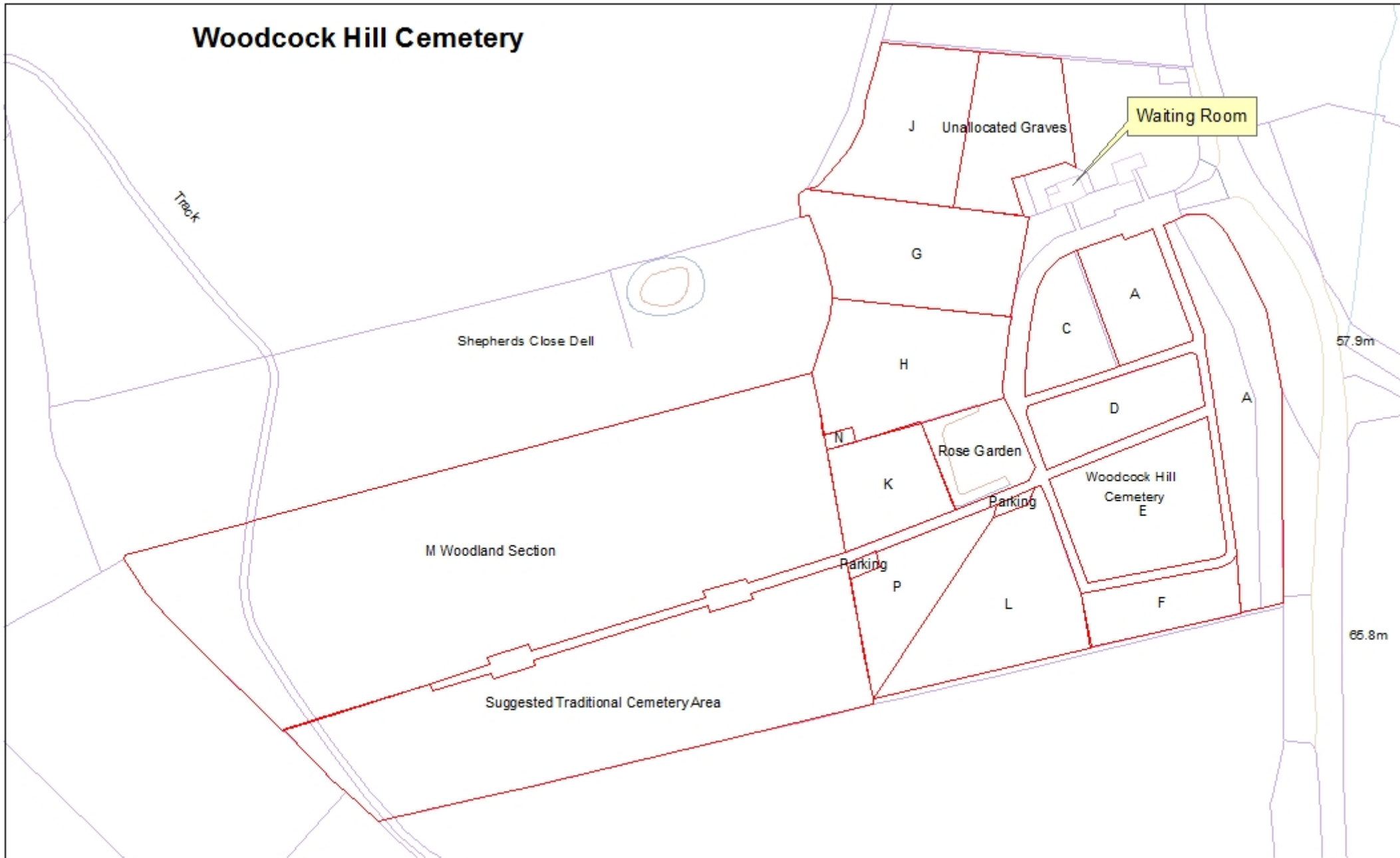
8.1.2 the lease term be until 2029, in order to make it co-terminous with the other graves within the Same Section.

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Background Papers

Report to Policy and Resources Committee - 06 July 2015

Woodcock Hill Cemetery



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