

CABINET MEMBER DELEGATED DECISION 13 JULY 2021

Report title: Amended governance arrangements for South Metropolitan (West Norwood) Cemetery

Wards: Gipsy Hill

Portfolio: Councillor Sonia Winifred, Cabinet Member for Equalities and Culture

Report Authorised by: Bayo Dosunmu: Strategic Director for Resident Services

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REPORT SUMMARY

In July 2019 the Council approved a decision to create new governance arrangements to replace the current Scheme of Management Committee. These arrangements are running in parallel with the Scheme of Management Committee whilst the process of amending the Scheme is underway. Following the receipt of advice from external counsel this report proposes a change to the previously agreed membership of the Strategic Partnership Board and the National Lottery Heritage Fund Implementation Board. The process of changing governance will be subject to agreement by the existing Scheme of Management Committee and the Consistory Court.

FINANCE SUMMARY

There are no direct financial implications from the creation of new governance arrangements to replace the current Scheme of Management Committee.

RECOMMENDATIONS

- (1) To approve the amended membership structure for the Strategic Partnership Board and the National Lottery Heritage Fund (NLHF) Implementation Board for West Norwood Cemetery, as shown in paragraphs 2.4 and 2.5.
- (2) To approve the revised terms of reference for the Strategic Partnership Board and NLHF Implementation Board to reflect the change in Board membership, as set out in Appendix 1 to this report.

1. CONTEXT

- 1.1 The Scheme of Management Committee covering West Norwood Cemetery has existed for 23 years and the members are in agreement that the current management of the cemetery, the investment recently secured from the NLHF, and the progress made in other areas means that it is now prudent to consider making the case to the Consistory Court for amending the Scheme of Management so as to replace the Scheme of Management Committee and the Management Advisory Group with the Strategic Partnership Board (SPB). The SPB will now be the decision-making body for management of the whole cemetery.
- 1.2 Lambeth agreed a new governance model in July 2019, and in December 2019 sought external counsel from a barrister specialising in Ecclesiastical law to advise on the transition process. In January 2020 Counsel produced a draft revised Scheme of Management for presentation to the Archdeacon.
- 1.3 Counsel advised that moving from the current balance of four Diocesan representatives and four Lambeth representatives on the Scheme of Management Committee, to a single Diocesan representative under the new governance model may be considered too much of an extreme change.

2. PROPOSAL AND REASONS

- 2.1 Counsel proposed that both of the new governance boards include *up to* four Diocesan representatives. This has been discussed and agreed with Cllr Winifred and the Chair of the Scheme of Management Committee. It is unlikely that four Diocesan representatives will be appointed initially, however the flexibility allows for successional planning, a sharing of responsibility, and for the Diocese to increase representation in the future if it feels that is appropriate.
- 2.2 The original position of a single Diocesan representative had been agreed with the Chair of the Scheme of Management Committee. However, the revised proposal from Counsel is based on in-depth experience of Diocesan workings; and is felt to be reasonable and practical in terms of its flexibility.
- 2.3 It is considered prudent to implement counsel's proposals, in order to improve the chances of the Consistory Court endorsing the change in governance.
- 2.4 The proposed changes in membership of the Strategic Partnership Board are:

| Membership category | Previously agreed | Proposed |
|----------------------------------|--------------------------|-----------------|
| Diocesan representatives | 1 | Up to 4 |
| Councillors | 2 | Up to 2 |
| Friends of West Norwood Cemetery | 1 | Up to 2 |
| Historical specialists | 1 | Up to 2 |
| Lambeth officers | 2 | Up to 2 |
| Norwood Forum | 1 | Up to 2 |
| Third party co-optees | Up to 5 | Up to 4 |
| TOTAL | 8-13 | 6-18 |

- 2.5 The proposed changes in membership of the NLHF Implementation Board are:

| Membership category | Previously agreed | Proposed |
|----------------------------------|--------------------------|-----------------|
| Diocesan representatives | 1 | Up to 4 |
| Councillors | 2 | Up to 2 |
| Friends of West Norwood Cemetery | 1 | Up to 2 |
| Historical specialists | 1 | Up to 2 |
| Lambeth officers | 2 | Up to 2 |
| Norwood Forum | 1 | Up to 2 |
| Third party co-optees | Up to 5 | Up to 4 |
| TOTAL | 8-13 | 6-18 |

3. FINANCE

- 3.1 There are no direct financial implications from the creation of governance arrangements to replace the current Scheme of Management Committee.

4. LEGAL AND DEMOCRACY

- 4.1 In 1997, the Consistory Court granted authority to the Council to manage the consecrated part of the cemetery provided that the Council does so in accordance with the Scheme of Management. The Scheme of Management requires that decisions relating to the consecrated part of the cemetery are made by the Scheme of Management Committee after having consulted the Management Advisory Group. The Council is seeking to continue its management responsibility (in the consecrated part) but is seeking the proposed changes to the Scheme of Management, so that the SPB will now be the decision-making body for management of the whole cemetery. It is envisaged that the SPB will delegate to the Council decision-making on many day-to-day matters (and will draft a protocol), so that the SPB will have oversight of the whole cemetery and take a strategic role, focussing on significant projects, particularly with respect to conservation. The membership of the SPB will include interested parties who are currently members of the Management Committee. These proposed changes to the Scheme of Management will require the consent of the Consistory Court. This report recommends changes to the proposed membership of the SPB and the NLHF Implementation Board and their terms of reference on the advice of expert counsel, so that they will be likely to satisfy the Consistory Court (which has jurisdiction over the consecrated part of the cemetery).
- 4.2 The Council's Constitution requires that issues of an important or sensitive nature will be published on the Council's website for five clear days prior to the decision being taken (Constitution, Part 2, Section 3) by the Cabinet Member or officer concerned. It is suggested that this proposed decision is published online in the interests of transparency. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5. CONSULTATION AND CO-PRODUCTION

- 5.1 The proposals for revised membership of the Boards is fully endorsed by the Chair of the Scheme of Management Committee and the Chair of the Friends of West Norwood Cemetery. The Chair of the Scheme of Management Committee attended the meeting with external counsel alongside officers. The revised membership has been discussed with the appropriate Cabinet Member, Cllr. Winifred, who has agreed the changes.

6. RISK MANAGEMENT

- 6.1 No risks have been identified from the revised membership proposals. The use of 'up to' provides flexibility to accommodate the scenarios which might limit representation from individual bodies; and provides for greater resilience, allowing additional representatives to gain knowledge, working alongside more experienced members.

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 An Equalities Impact Assessment covering the change in governance was completed on 21 December 2018 and approved on 3 January 2019. The proposed change in membership structure for the Boards has no bearing on the original assessment and no potential to negatively impact the protected characteristics.

8. COMMUNITY SAFETY

- 8.1 No direct implications.

9. ORGANISATIONAL IMPLICATIONS

Environmental

- 9.1 None.

Health

- 9.2 Not applicable.

Corporate Parenting

- 9.3 Not applicable.

Staffing and accommodation

- 9.4 Not applicable.

Responsible Procurement

Good Quality Jobs with Fair Pay and Decent Working Conditions

- 9.5 Not applicable.

Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group

- 9.6 Not applicable.

Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030

- 9.7 Not applicable. The Boards are currently meeting virtually and can continue to do so.

Single Use Plastics

- 9.8 Not applicable.

Positive Health and Wellbeing

- 9.9 Not applicable.

Other Offers (Innovation)

- 9.10 Not applicable.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations:

| Activity | Proposed Date |
|---------------------------------|----------------------|
| Publication on Decisions online | 5 July 2021 |
| Cabinet Member Decision | 13 July 2021 |

AUDIT TRAIL

| Name and Position/Title | Lambeth Directorate | Date Sent | Date Received | Comments in paragraph: |
|---|--|-----------|---------------|------------------------|
| Cllr. Sonia Winifred Cabinet Member for Equalities and Culture | Cabinet Member | 03.06.21 | 07.06.21 | Approved |
| Bayo Dosunmu Strategic Director | Resident Services | 27.05.21 | 04.06.21 | Cleared |
| Venetia Reid-Baptiste Director of Environment and Streetscene | Resident Services | 19.05.21 | 27.05.21 | Cleared |
| Andrew Ramsden AD Finance | Finance and Investment | 02.02.21 | 02.02.21 | 3 |
| Michael Munnely AD Infrastructure, Environment, Public Realm & Climate Change Delivery | Resident Services | 25.01.21 | 25.01.21 | - |
| Peter Flockhart Senior Planning Lawyer | Legal and Governance | 05.01.21 | 05.05.21 | 4 |
| Wayne Chandai, Head of Chief Executive's Office & Democratic Services | Legal and Governance | 17.05.21 | 19.05.21 | 4 |
| External Consultees | | | | |
| Nicholas Long | Chair of Scheme of Management Committee | 27.05.21 | 01.06.21 | 2 |
| Robert Flanagan | Chair of Management Advisory Group | 27.05.21 | 01.06.21 | 2 |

REPORT HISTORY

| | |
|---|--|
| Original discussion with Cabinet Member | 05.01.21 |
| Part II Exempt from Disclosure/confidential accompanying report? | No |
| Key decision report | No |
| Date first appeared on forward plan | N/A |
| Key decision reasons | 4. Not applicable |
| Background information | 2019 decision report covering change in governance |
| Appendices | Appendix 1 – <i>Terms of Reference</i> Appendix 2 – <i>Equalities Impact Assessment</i> |

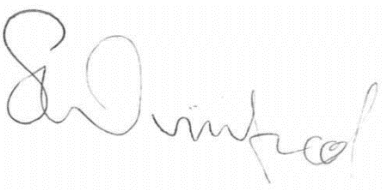
APPROVAL BY CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board, and taken account of their advice and comments in completing the report for approval:

Signature:  _____ **Date:** __13 July 2021__

Post: Kevin Crook, Assistant Director Neighbourhoods

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature:  _____ **Date:** __13 July 2021__

Post: Councillor Sonia Winifred, Cabinet Member for Equalities and Culture

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None