



BARRY TOWN COUNCIL

CYNGOR TREF Y BARRI

6 January 2021

PUBLIC BODIES (ADMISSION TO MEETINGS) ACT, SECTION 1(4) AND
LOCAL GOVERNMENT ACT 1972, SCHEDULE 12, PARAGRAPH 26(2)(a)

PURSUANT TO THE REQUIREMENTS OF THE ABOVE STATUTORY
PROVISIONS, NOTICE IS HEREBY GIVEN THAT A MEETING OF MEETING
OF THE HALLS, CEMETERIES AND COMMUNITY FACILITIES COMMITTEE
OF BARRY TOWN COUNCIL WILL BE HELD ON A REMOTE BASIS ON
MONDAY 11 JANUARY 2021 AT 7.00 PM. FOR THE PURPOSE OF
TRANSACTING THE BUSINESS SHOWN IN THE AGENDA SET OUT BELOW.
A FULL SET OF PAPERS CAN BE ACCESSED ON OUR WEBSITE VIA
WWW.BARRYTOWNCOUNCIL.GOV.UK

IF MEMBERS OF THE PUBLIC WISH TO ASK QUESTIONS, PLEASE SUBMIT
THESE TO THE CHIEF OFFICER (TOWN CLERK) PRIOR TO THE MEETING
AS DURING THIS PERIOD, PUBLIC PARTICIPATION AT COUNCIL MEETINGS
IS LIMITED.

THE MEETING WILL BE HELD IN ACCORDANCE WITH THE PROVISIONS OF
THE LOCAL AUTHORITIES (CORONAVIRUS) (MEETINGS) (WALES)
REGULATIONS 2020 ALLOWING PARTIAL OR FULL REMOTE ATTENDANCE
OF COUNCIL MEMBERS.

Yours faithfully

Handwritten signature of Emily Forbes in blue ink.

Emily Forbes
Chief Officer

1. **Apologies for absence**
2. **To receive declarations of interest under the Council's Code of Conduct**
(Note Members seeking advice on this item are requested to contact the Monitoring Officer at least 72 hours before the meeting)

To Note: Councillor Johnson has been granted Dispensation to allow him to speak and vote on future matters appertaining to any community facilities owned or run by Barry Town Council, by virtue that he is a Vale of Glamorgan Council Trustee for the Alexandra Gardens Community Association.

*The Council welcomes correspondence in English or Welsh
Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg neu'n Saesneg*

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3. **Well-being of Future Generations (Wales) Act 2015** (To note)

*Halls, Cemeteries and Community Facilities members will note that this Act sets out the requirement for a public body to act in a manner which seeks to ensure **that the needs of the present are met without compromising the ability of future generations to meet their own needs.***

In order to act in that manner, a public body must take account of the following things:

- (a) the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effect;*
- (b) the need to take an integrated approach, by considering how—*
 - i. the body's well-being objectives may impact upon each of the well-being goals;*
 - ii. the body's well-being objectives impact upon each other or upon other public bodies' objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;*
- (c) the importance of involving other persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of the part of Wales in relation to which the body exercises functions;*
- (d) how acting in collaboration with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist another body to meet its objectives;*
- (e) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or another body's objectives.*

4. **To approve the minutes of the Extraordinary meeting of the Halls, Cemeteries & Community Facilities Committee held on 14 December 2020**

(Pages 867 - 872)

5. **Budget Monitoring Report December 2020** (Pages 873 - 874)

(If Councillors have any queries on the attached please contact the Deputy Chief Officer prior to the meeting)

6. **Halls update** (Verbal)

7. **Merthyr Dyfan update** (Verbal)

8. **Transfer of Exclusive Right of Burial (1194 - 1211 inclusive)**

That in accordance with Standing Order 27(a), authority be given for the Council's Common Seal to be applied to Transfer Deeds numbered **1194 - 1211** inclusive, granting the Transfer of Exclusive Right of Burial to those named on each transfer request.

9. **Grants of Exclusive Right of Burial (13780 - 13787 inclusive)**

That in accordance with Standing Order 27(a), authority be given for the Council's Common Seal to be applied to Deeds of Exclusive Right of Burial numbered **13780 - 13787** inclusive, granting the Exclusive Right of Burial to those named on the interment form.

10. **Date of Next Meeting**

The next meeting of the Halls, Cemeteries & Community Facilities Committee is scheduled for 8 March 2021

11. **Exclusion of Press and Public**

In accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting

12. **Graves Matters** (Pages 875 - 879)

13. **Trees** (Page 880)

Distribution

Email notification of electronic papers to all Barry Town Councillors (22). A full copy of the agenda and papers for this meeting (with the exception of confidential items) will be available at the Town Council Offices and at Barry Library for inspection; electronic copies to Barry & District News

This document is available in large print and other formats upon request/Cewch y ddogfen hon mewn pring bras a ffor matiau eraill drwy holi.

BARRY TOWN COUNCIL

DRAFT MINUTES OF AN EXTRAORDINARY MEETING OF THE HALLS, CEMETERIES AND COMMUNITY FACILITIES COMMITTEE HELD ON MONDAY, 14 DECEMBER 2020 AT 7.00 PM

PRESENT: Councillors N P Hodges (Chair), Aviet, Clarke, Johnson and Richardson (Vice Chair) (arrived 7.08 pm)

ALSO PRESENT: Mark Sims – Deputy Chief Officer
Rebecca Blackwell – Office Team Leader
Councillor S Hodges – Observer
Martin Thomas – Grave Matters

A241. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Nugent-Finn and Rowlands.

A242. **DECLARATIONS OF INTEREST**

It was noted that Councillor Johnson had been granted Dispensation to allow him to speak and vote on matters appertaining to any Community Facilities owned or run by Barry Town Council, by virtue that he is a Vale of Glamorgan Council Trustee for the Alexandra Gardens Community Association.

A243. **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

RESOLVED: That the Well-Being of Future Generations (Wales Act 2015 be received and noted

A244. **TO APPROVE THE MINUTES OF THE HALLS, CEMETERIES AND COMMUNITY FACILITIES COMMITTEE'S MEETING HELD ON 14 OCTOBER 2020**

RESOLVED: That the minutes of the Halls, Cemeteries and Community Facilities Committee's meeting held on 14 October 2020 be approved and signed as a correct record.

A 245. **DATE OF NEXT MEETING**

RESOLVED: The next meeting of the Halls, Cemeteries & Community Facilities Committee is scheduled for 11 January 2021.

A 246. **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair requested that all press and public leave the meeting with the exception of Mr Martin Thomas as he had been invited by the members to be present at the meeting.

RESOLVED: In accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

A247.

CEMETERY

a. Grave Matters

Members of the Halls, Cemeteries & Community Facilities Committee had been provided with various correspondence received to the Council in relation to the Committees decision on not allowing Grave Matters to operate at Merthyr Dyfan Cemetery.

The Chair thanked Mr Thomas for his attendance at the meeting and advised that the Council had received various correspondence following the decision made by the Committee and asked if Mr Thomas wished to address members.

Mr Thomas thanked members for the opportunity to be present at the meeting to address members. Mr Thomas advised members that he was the proprietor of a one-man business called Grave Matters which covers the South Wales area. He added that he took over the business with its customers in 2018 and has continued the work of tending to graves within Merthyr Dyfan Cemetery. He advised that he has a number of supportive customers and in the Summer he was approached by a member of the Cemetery Staff who politely advised him that the Council had embargoed the use of strimmer's within the Cemetery due to health and safety concerns, to which he sympathised with and then approached the Council to make a request to allow him to use a strimmer to enable him to carry on his work within the Cemetery.

Councillor Richardson arrived 7.08pm

Councillor Clarke advised that he had been trying to find information but due to Covid-19 it was proving difficult but wished to ask Mr Thomas some questions. Councillor Clarke advised that he had tried to find out what the Councils insurance covers in relation to allowing businesses to operate within the Cemetery and asked Mr Thomas if he had any experience of insurance cover for cemeteries and if there would be a clause within the insurance that prevents a business to operate.

Mr Thomas advised that he was unaware of any insurance that covers a cemetery but he had his own public liability insurance.

Councillor Clarke also advised that he had tried to obtain information in relation to the particular health and safety regulations in relation to

operating a business within a cemetery but it had proved difficult and asked Mr Thomas if he had any knowledge to hand. Mr Thomas answered that he did not have any to hand.

Councillor Clarke asked Mr Thomas if he was aware of any planning implications for a business operating within the Cemetery. Mr Thomas advised that he didn't know if there were any planning implications.

Councillor Clarke asked Mr Thomas if there were any rate implications in relation to operating a business within the cemetery. Mr Thomas advised that he did not know.

Councillor Clarke asked if Mr Thomas had checked if there are any bylaws in relation to operating a business within the cemetery. Mr Thomas advised that he was not aware of any that relate to Merthyr Dyfan Cemetery and that many of the Cemeteries he attends have them displayed at the entrance. Councillor Clarke advised that they are at the reference library but due to Covid he has been unable to obtain them prior to the meeting.

Councillor Clarke advised that Mr Thomas may have satisfied the other cemeteries within he operates and that he may have the answers to the questions noted above or the council could enquire with the other cemeteries to see how they have been overcome which may resolve the issue at hand. Mr Thomas replied that he had not carried out any of the checks to which Councillor Clarke refers to.

Councillor Johnson asked Mr Thomas how much of his work related to the use of power tools such as the strimmer. Mr Thomas replied that the nature of the work is driven by the customer and the condition of the grave. He also advised that he uses a strimmer on the majority of the graves he attends. Councillor Johnson asked for a figure amount in relation to grave Mr Thomas attends to at Merthyr Dyfan Cemetery. Mr Thomas responded that he attends around 15 graves within Merthyr Dyfan Cemetery.

Councillor Johnson also asked if he was aware if the previous owner requested permission to operate a business within the Cemetery. Mr Thomas advised that he was not aware.

The Chair asked if Mr Thomas had ever formally approached the Council for permission to work within the Cemetery. Mr Thomas answered no. The Chair also raised concerns in relation to what Mr Thomas' customers had been advised in relation to him not being able to use power tools within the cemetery as the complaints received mention him being banned. Mr Thomas advised that he had contacted his customers notifying them that he was no longer able to operate within the cemetery and that the complaints received are independent and not motivated by him.

The Chair noted that within Mr Thomas' correspondence it stated that he would be happy for the council to train him to work safely within the cemetery but the Chair advised that this would not be possible and that the Council have a team of staff who are trained and to which the council are responsible for. The Chair also advised that there are businesses that work within the cemetery such as stonemasons who are regulated and are permitted to carry out work within the cemetery as part of an agreement with the council. The Chair asked Mr Thomas if he had asked other cemeteries for permission to operate within them. Mr Thomas advised that he had asked for permission to operate within other cemeteries to which they agreed. The Chair asked if there were any financial agreements with the other cemeteries. Mr Thomas replied that there were not any financial agreements with the other cemeteries in which he operates.

The Chair raised concerns in relation to others duplicating Mr Thomas' business within the cemetery in which the Council subsidises for the cemetery to be maintained.

The Chair asked Mr Thomas if he informs a members of staff when he is carrying out work within the cemetery. Mr Thomas replied that he does not inform any staff members.

The Chair also raised concerns that if Mr Thomas had not made staff aware that he is operating within the cemetery that he could be present when a funeral is in process. Mr Thomas said that it was an unjustified concern as he had encountered funerals whilst he is present within the cemetery but advised that his work would not interfere with a funeral as he would stop and leave if a funeral was taking place.

The Chair asked if Mr Thomas had anything to add before requesting he leaves the meeting for members to have a discussion on a way forward.

Mr Thomas wished to make members aware of the emotive nature of his service and that the majority of his customers are elderly. He advised that his customers would be able to tell the council of the wholesome service he provides, especially around birthdays and anniversaries and said that his business is not for financial gain, with the services being value for money. He continued to state that he has high customer satisfaction to which he provides before and after photos and felt that his work adds to the appearance of the cemeteries he works in at no extra cost to the Council/landowners. He advised that although the cemetery staff do provide a good service they are unable to dedicate the time to each grave and that his service supports the work that they do. Mr Thomas ended his statement by saying that if the council's decision is to not allow him to work within the cemetery to support his customers, the council will have very sad people who may independently choose to contact the council to make this known and advised member that he would normally distribute wreaths at Christmas but has been unable to this year.

The Chair questioned Mr Thomas as to why he felt that he could not continue his other services he provides as the committee only prohibited the use of power tools. Mr Thomas responded that he had taken himself away from the cemetery until a decision had been made in relation to his service at the cemetery.

The Chair then thanked Mr Thomas for his attendance and asked for him to leave the meeting.

Mr Thomas left the meeting.

The Chair asked for members views in relation to the plea made by Mr Thomas.

Members discussed the matter in great detail and raised various concerns which included that staff were unaware of when Mr Thomas was working within the cemetery, Mr Thomas' customers have been told that Mr Thomas had been banned from working within the cemetery when he was asked to not use power tools, which is in line with the councils choice to prohibit the use of power tools such as a strimmer, there had been no prior permission to work within the cemetery and no contact made, allowing one business to carry out services using power tools may set a precedent.

The Chair suggested to members that policy be written on third parties being allowed to operate within the cemetery.

Councillor S Hodges advised that members raised valid points but have not yet had answers to the concerns and suggested that a report is written to answer the concerns in relation to legalities, health and safety, insurance, compare other cemeteries and obtain advice from One Voice Wales and to enable the committee to be in a better position to make a decision.

Councillor Johnson agreed to a report to cover all concerns of members with a potential of putting a policy in place. Councillor Johnson also suggested to defer on making a decision, receive a report at the next committee and to continue to uphold the decision of the use of power tools over the Christmas period.

RESOLVED: That a report be submitted to the next meeting of the Halls, Cemeteries and Community Facilities Committee scheduled to be held on 11 January 2021 to satisfy the concerns raised by members, with the potential of a policy being written in relation to third party businesses operating within the cemetery and the use of powertools.

The meeting ended at 8.10 pm

SignedDate

FOR INFORMATION ONLY

ACTION SHEET - EXTRAORDINARY HALLS, CEMETERIES AND COMMUNITY FACILITIES COMMITTEE - 14 DECEMBER 2020

MINUTE NO.	ACTION TO BE TAKEN	ACTION TO BE TAKEN BY	DATE ACTION TO BE CARRIED OUT	PROGRESS
A247	That a report be submitted to the next meeting of the Halls, Cemeteries and Community Facilities Committee scheduled to be held on 11 January 2021 to satisfy the concerns raised by members, with the potential of a policy being written in relation to third party businesses operating within the cemetery and the use of powertools.	FCM	05.01.2021	Report on agenda for discussion 11.01.2021

BUDGET MONITORING REPORT DECEMBER 2020

Report Author

Mark Sims, Deputy Chief Officer

Attached: A. Budget Monitoring Report to 31 December 2020 (1 page)

Purpose of Report

To provide members with the Committee's income and expenditure in the 2020/21 financial year as at the end of December 2020.

Background Information

On the following page is the budget monitoring report to 31 December 2020, indicating actual income and expenditure up to the end of month nine in the 2020/21 financial year.

In addition, the projected out turn for the current financial year is provided highlighting anticipated overspends and under-spends on various budget headings currently projecting a net overspend for the year of £20,720.

Main highlights of the budget monitoring report are:

Salaries underspend of £28,966

Equipment overspend of £15,000 (purchase of fixture and fittings for CACC to be funded from Acquisition Reserve)

COVID-19 Expenditure (overspend as no budget) of £15,163 (Actual spend of £14,042 for first nine months with projection of further £1,121 for remainder of year)

Loss of income projected to be £34,944. This is after receiving £5,087 from Welsh Government relating to loss of income for first quarter for the Pioneer Hall. It is not known if Welsh Government are providing any additional funding for loss of income for remainder of 2020/21.

Recommendation

Members are requested to receive the budget monitoring report for December 2020 noting the projected net overspend (deficit for the year) of £20,720 in 2020/21.

Budget Monitoring Report to 31st December 2020.

Gross Expenditure								
Description	Item No.	Budget	Expenditure	Committed	Balance	Budget	Year End	Projected
		12 Months	9 Months	Expenditure		For Year	Projections	Variance
		£	£	£		£	£	£
Salaries	1	371,225	253,903	88,356	28,966	371,225	342,259	28,966
Personal Hygiene Facilities	2	1,500	916	540	44	1,500	1,456	44
Personal Protective Equipment / Clothing	2	2,450	1,093	707	650	2,450	1,800	650
Cleaning Products	2	1,100	188	412	500	1,100	600	500
Rates	3	13,283	9,977	1,569	1,738	13,283	11,546	1,738
Water	4	3,050	1,031	1,419	600	3,050	2,450	600
Electricity	5	7,570	2,171	3,274	2,125	7,570	5,445	2,125
Gas	6	1,250	440	810	0	1,250	1,250	0
Telephone / Alarm Line	6	950	456	352	143	950	808	143
Property Maintenance and Improvements	7	31,490	21,836	7,104	2,550	31,490	28,940	2,550
Equipment	9	6,000	13,099	10,301	-17,400	6,000	23,400	-17,400
Plant & Equipment Maintenance	10	10,500	5,055	4,695	750	10,500	9,750	750
Internet Broadband	21	716	721	319	-324	716	1,040	-324
Horticulture	8	800	29	771	0	800	800	0
Vehicle Maintenance	11	1,200	40	1,160	0	1,200	1,200	0
Haulage and Fuel	12	3,375	2,130	1,245	0	3,375	3,375	0
Vehicle Tax and Insurance	13	549	535	0	14	549	535	14
Philadelphia Cemetery	14	500	0	500	0	500	500	0
Interest on PWLB Loan	15	2,899	1,552	1,347	0	2,899	2,899	0
Capital Repayment on PWLB Loan	16	16,921	8,460	8,461	0	16,921	16,921	0
Treework Maintenance	17	6,195	3,955	2,240	0	6,195	6,195	0
Cemetery Roads Maintenance	18	3,000	0	1,000	2,000	3,000	1,000	2,000
Memorial Safety Advertising	19	250	0	0	250	250	0	250
Subscriptions	20	850	405	220	225	850	625	225
New Play Equipment	11	3,000	0	3,000	0	3,000	3,000	0
Cemetery Fencing	3	27,000	6,835	20,165	0	27,000	27,000	0
Cemetery Roads Improvement	4	20,000	13,527	0	6,473	20,000	13,527	6,473
Cemetery Benches	5	2,000	1,916	0	84	2,000	1,916	84
Cemetery Treework	6	20,000	0	20,000	0	20,000	20,000	0
COVID-19 EXPENDITURE	1	0	14,042	1,121	-15,163	0	15,163	-15,163
Total Expenditure		559,623	364,312	181,087	14,224	559,623	545,399	14,224

Gross Income								
Description	Item No.	Budget	Income	Income	Balance	Budget	Year End	Projected
		12 Months	9 Months	Expenditure		For Year	Projections	Variance
		£	£	£		£	£	£
Interment Fees	1	75,141	49,436	0	-25,705	75,141	68,221	-6,920
Exclusive Right of Burials	2	27,557	21,345	0	-6,212	27,557	28,234	677
Memorial Fees	3	23,616	12,784	0	-10,832	23,616	16,500	-7,116
Transfer of Exclusive Right of Burials	4	1,800	1,020	0	-780	1,800	1,470	-330
Hire of Chapel	5	770	0	0	-770	770	0	-770
War Graves	6	78	78	0	0	78	78	0
Cemetery Lodge Rent	7	5,465	3,942	0	-1,523	5,465	5,256	-209
Other Miscellaneous Income	8	2,000	929	0	-1,071	2,000	1,000	-1,000
Cemetery Improvement Fee *	9	2,000	1,961	0	-39	2,000	2,600	600
Grants Receivable	10	0	1,625	0	1,625	0	1,625	1,625
Porthkerry Agreement	3	10,781	12,888	0	2,107	10,781	12,888	2,107
Lettings	1	26,826	5,088	0	-21,738	26,826	5,088	-21,738
Lettings - Old Pioneers Club via Grant	2	1,270	0	0	-1,270	1,270	0	-1,270
Total Income		175,304	109,135	0	-66,169	175,304	140,361	-34,944

Net Expenditure								
Description	Item No.	Budget	Expenditure	Committed	Balance	Budget	Year End	Projected
		12 Months	9 Months	Expenditure		For Year	Projections	Variance
		£	£	£		£	£	£
Total Net Expenditure		384,319	255,177	181,087	14,224	384,319	405,039	-20,720

Our net budget for the year is £384,319 with actual expenditure for the 9 months to 31 December 2020 of £255,177 and committed expenditure of £181,087.

Our projected out-turn for the year is to be overspent by £20,720 (£14,224 less expenditure with £34,944 less income).

* Cemetery Improvement Fee of £53 per new grave to be credited to the Cemetery Improvement Reserve at year end.