

# **COLBURN, HIPSWELL & SCOTTON JOINT BURIAL AUTHORITY**

## **TERMS OF REFERENCE**

As adopted at the Burial Board meeting held on 28<sup>th</sup> September 2021.

### **1 Formation of the Burial Board**

- a The Parish Councils of Colburn, Hipswell & Scotton will each propose 3 councillors to act on the Joint Burial Board, who must report back all matters discussed from the meetings to their respective councils.
  
- b The Burial Board has delegated powers and the full authority to act in the management of the Joint Burial cemetery and its facilities, doing so in accordance with the approved Terms of Reference.
  
- c Any proposed changes to the approved Terms of Reference must be agreed by a majority decision of the Burial Board members, prior to its adoption.
  
- d The Burial Board may co-opt one person in a non-voting capacity to provide additional service and guidance.

### **2 Burial Board Precept**

- a The Burial Board will request a yearly precept from each Parish / Town Council.
  
- b The Burial Board will calculate the total precept required annually and apportion the amount between the Parish Councils based on the respective population of each Parish
  
- c Any proposed changes to the terms of calculating the precept must be agreed by a majority decision of the Burial Board members, prior to its adoption.
  
- d The Burial Board will make their precept request on the Parish / Town Councils by 31 October each year.
  
- e It is the responsibility of each of the Parish / Town Councils to pay the required precept by the end of June each year.

### **3 Meetings**

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
  
- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
  
- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
  
- d **Open (Public Participation) sessions will only be included as an agenda item and hence part of any meeting at the discretion of the Burial Board. In the event that there is no inclusion on the agenda or mention of it on the agenda then it stands that there will not be an Open (Public Participation) session at the Burial Board meeting. The open sessions will last a maximum of 20 minutes with a maximum of 5 minutes per person.**
  
- e **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Board's consent.**
  
- f **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair (if any).**
  
- g **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
  
- h **All questions and issues at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

- i **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**
  
- j **Voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his or her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
  
- k **The code of conduct adopted by the members respective Parish Council's shall apply to members in respect of their conduct at the Burial Board meetings.**
  
- l **An interest arising from the code of conduct, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**
  
- m **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**
  
- n **The Parish Councils of Colburn, Hipswell & Scotton to be issued with a copy after the approved minutes subsequent to each meeting.**

## **4 Burial Board meetings**

- a **At least six Burial Board meetings shall be held in each year on such dates and times as the Board directs.**
  
- b **The election of the Chair of the Board shall be the first business completed at the annual meeting of the Board.**
  
- c **The Chair of the Board, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Board.**
  
- d **In an election year, if the current Chair of the Burial Board has not been re-elected as a member of their Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**

- e In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

## **5 Proper Officer**

- a The Proper Officer shall be either (i) the clerk or such other employee as may be nominated from time to time or (ii) such other employee appointed to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer as follows:
  - i. Sign and serve on councillors by post or email a summons confirming the time, date, venue and the agenda of a meeting of the Board and a meeting of a committee and sub-committee at least 3 clear days before the meeting.
  - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee.
  - iii. Keep proper records required before and after meetings;
  - iv. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
  - v. Receive and send general correspondence and notices on behalf of the Burial Board except where there is a resolution to the contrary.
  - vi. Manage the organisation, storage of and access to information held by the Burial Board in paper and electronic form.
  - vii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made in accordance with the Burial Boards financial regulations.
  - viii. Act as the Responsible Financial Officer and perform all required duties relating to that position.
  - ix. Carry out duties as required regarding the management of the cemetery in terms of burials and cremations ensuring all records are up to date and all required function carried out in a timely manner.
- b The Council's Proper Officer shall do the following.

## **6 Code of conduct**

- a All councillors shall observe the code of conduct adopted by their Parish Council.

- b **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

## **7 Questions**

- a **A councillor may seek an answer to a question concerning any business of the Burial Board provided 7 clear days notice of the question has been given to the Proper Officer.**
- b **A councillor can only ask questions not related to items of business on the agenda during the part of the meeting set aside for such questions.**
- c **Members of the public may submit any questions in writing, by either letter or email, to any member of the Burial Board.**
- d **The Burial Board will endeavour to reply in full to any submitted questions (put forward by members of the public) within 20 working days.**
- e **In the event that the Burial Board are unable to reply in full within 20 working days to any questions raised by members of the public, then the Burial Board will reply informing of this fact and to advise that a full reply to be provided at the earliest opportunity.**

## **8 Minutes**

- a **If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.**
- b **No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.**
- c **Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.**
- d **If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:  
“The Chair of this meeting does not believe that the minutes of the meeting of the**

Burial Board held on [date] in respect of ( ) were a correct record but this view was not upheld by the majority of the members of the Burial Board and the minutes are confirmed as an accurate record of the proceedings.”

## **9 Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chair, there has been a breach of 7(a) above, the Chair shall express that opinion and thereafter any councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 7(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

## **10 Rescission of previous resolutions**

- a A resolution (whether affirmative or negative) of the Burial Board shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 5 councillors of the Board, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **11 Expenditure**

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed at least once a year.

## **12 Extraordinary meetings**

- a The Chair of the Burial Board may convene an extraordinary meeting of the Board at any time.

- b If the Chair of the Burial Board does not or refuses to call an extraordinary meeting of the Board within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Board. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

## **13 Accounts and Financial Statement**

- a All payments by the Burial Board shall be authorised, approved and paid in accordance with the Burial Boards financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor: a statement summarising the Council's receipts and payments for the current financial year and this statement to be provided at each meeting: a Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March, before the end of the following month of May : the Statement of Accounts of the Board (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **14 Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 12(a) above may be removed from a committee or a sub-committee by a resolution of the Burial Board.

## **15 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Burial Board has decided whether or not the press and public shall be excluded.
- b Subject to the Burial Boards policy regarding absences from work, the Boards most senior employee shall notify the Chair of any absence occasioned by illness or urgency and that person shall report such absence to the Board at its next meeting.

- c **Subject to the policy regarding the handling of grievance matters, the Boards most senior employee shall contact the Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Board.**
- d **Subject to the policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk relates to the Chair, this shall be communicated to another member of Burial Board, which shall be reported back and progressed by resolution of the Board.**
- e **The Board shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.**
- f **Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.**

## **16 Request for Information**

- a **All requests for information held by the Burial Board shall be processed in accordance with the Freedom of Information Act 2000.**
- b **Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Burial Board. The Board shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including the powers of the Proper Officer in respect of Freedom of Information requests.**

## **17 Terms of Reference to be given to councillors**

- a **The Proper Officer shall provide a copy of the Burial Boards Terms of Reference to all councillors who sit on the Burial Board.**