

POLICY AND RESOURCES CABINET BOARD

26TH MARCH 2009

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE HEAD OF LEGAL AND
DEMOCRATIC SERVICES**

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SECTION B

ITEM 1

FREEDOM OF INFORMATION ACT 2000

1. Purpose of Report

- 1.1 To update Board on the Authority's experience of requests being received under the Freedom of Information Act during the calendar year 2008. [i.e. 1st January 2008 to 31st December 2008].

2. Background

- 2.1 The Freedom of Information Act ("FOI Act") came into force on the 1st January 2005 and imposed obligations on public authorities (including Local Authorities) to provide access to information held by those authorities in response to written requests received from the public at large for access; subject to a proviso that authorities could deny access where an appropriate exemption could be applied under the provisions of the Act or the Environmental Information Regulations to particular requests for information held by the authorities.
- 2.2 Since the 1st January 2005 the Authority has put appropriate procedures in place for dealing with requests for information fulfilling its statutory duties under FOI.

3. Requests received during 2008 Calendar Year

- 3.1 The Authority continues to operate a recording system within each Directorate to record data in respect of the requests for information which it receives. The following data has been extracted from the records of each Directorate for the period 1st January 2008 to 31st December 2008 and it gives an overall indication of the impact of the FOI Act on the Authority. The requests which have been recorded are those which officers have clearly identified as being substantive FOI requests. It is clearly the case that there have been a significant number of requests for information received by the Authority which are technically "FOI Requests" within the definition contained within the Act [by virtue that they are written requests for information submitted to a public authority post 1st January 2005] which have been mundane and easily dealt with by officers and therefore not recorded in the system.

3.2 During the 2008 calendar year the total number of recorded requests received by the Authority was 300. This compares with a total figure of 132 requests received during the first year of FOI (i.e. 2005 calendar year).

3.3 The number of requests received by each Directorate during 2008 and 2005 respectively were as follows:-

	<u>2005</u>	<u>2008</u>
Chief Executive's and Finance and Corporate	40	144
Education & Lifelong Learning	22	48
Environment	44	72
Social Services Health & Housing	26	36

It should be noted however that a number of these requests received during both years actually consisted of multiple requests for various and/or specific information.

3.4 The aggregate amount of hours expended by Officers of the Authority in dealing with recorded FOI requests during the 2008 calendar year amounted to 783 hours. This compares with a figure of 503.5 hours for the 2005 calendar year.

3.5 Of the total number of 300 requests dealt with during the 2008 calendar year it has been established that 108 of these were submitted by the press or media. This figure compares with a figure of 31 press or media requests submitted during the 2005 calendar year.

3.6 During 2008 the Authority declined to release information in whole or part in 41 instances. This compares with a figure of 18 for 2005. In these cases refusal was on the basis either that the costs of providing the requested information would have exceeded the costs limit of £450 or a relevant exemption was appropriately applied in the particular circumstances.

3.7 The number of declined requests [in whole or part] for each Directorate during 2008 and 2005 respectively were as follows:-

	<u>2005</u>	<u>2008</u>
Chief Executive's and Finance and Corporate	7	17
Education and Lifelong Learning	5	8
Environment	6	2
Social Services Health and Housing	0	14

4. **Background Papers**

Policy and Resources Committee FOI Report of 8th March 2006
Directorate Returns of Responses to Requests Calendar year 2008

5. **Wards Affected**

All

6. **Contact Officer**

Mr. Paul Watkins – Solicitor
Tel No.: 01639 763761
email: p.watkins1@npt.gov.uk

SECTION C

ITEM 2

MARGAM CREMATORIUM BUSINESS PLAN 2008/09

Purpose of Report

1. To report on the above Business Plan for monitoring and scrutiny purposes.

Introduction

2. Set out below is the report of the Clerk to the Margam Joint Crematorium Committee regarding the business plan for the Crematorium.

3. Description of the Business Unit

- 3.1. Margam Crematorium was established in 1969 and was primarily created to serve those in and around Maesteg in the north, Bridgend in the centre, Porthcawl in the south and all of Port Talbot in the west.
- 3.2. With the re-organisation of counties in 1974, Ogwr and Port Talbot continued to manage Margam through a Joint Committee the Margam Joint Crematorium Committee referred to above, hereinafter called the “Joint Committee”, which continued until the further Local Government reorganisation in 1996. From that time Bridgend County Borough Council and Neath Port Talbot County Borough Council have managed the Crematorium through the Joint Committee.
- 3.3. The Joint Committee is made up of representatives from both these Authorities and administers the business of the Crematorium. Neath Port Talbot County Borough Council has five members on the Joint Committee, with two members from Bridgend County Borough Council. The Treasurer is Mr. D. W. Davies and the Technical Officer is Mr. W. Watson - both are Directors with Neath Port Talbot County Borough Council. The Clerk is now Mr. David Michael, Head of Legal and Democratic Services with the County Borough.

- 3.4. Responsibility for the Crematorium lies with the Joint Committee, which has plenary powers. The Joint Committee is responsible for providing a service mainly for families within the boundaries of those Authorities represented on its Committee but also wider in South Wales and beyond.
- 3.5. The Services include:-
- The provision of cremation facilities at the Crematorium
 - The provision of Chapel facilities for the conducting of funeral services
 - The provision of lawned memorial gardens and woodlands grounds for internment of cremated remains
 - The provision of memorials of various kinds
 - The provision of public commemoration services
- 3.6. This service is provided for bereaved families, and most contact is with these families, with their funeral directors, celebrants of funeral services and persons attending them, together with visitors to the crematorium and its grounds.

Context of the Business Unit

- 3.7. Margam Crematorium is located at the eastern boundary of Neath Port Talbot County Borough with Bridgend County Borough. It is strategically placed with direct access to the M4 adjacent to Junction 38.
- 3.8. The Business Manager is the Acting Superintendent Registrar.
- 3.9. **Organisational Structure**
- 3.9.1. There are currently 5 (five) full-time employees, 2 part-time assistants, 4 (four) part-time organists and 1 (one) deputy organist.
- 3.9.2. Other services such as Buildings and Grounds Maintenance are purchased from Neath Port Talbot County Borough Council and its sub-contractors. The Superintendent has the support of Senior Officers for Personnel, Maintenance and Finance Audit and Accountancy from Neath Port Talbot County Borough Council. Mr. Sadegh Khaghanian Facilities Manager in Environment has a particularly important role in providing technical support.

3.10. The primary aims of the Crematorium are:-

- Effectively dispose of the dead through cremation
- Provide suitable arrangements for the disposal of cremated remains
- Provide an efficient service for the Bereaved through the Funeral Directors
- To minimise the distress of the Bereaved by making every endeavour to meet their requirements
- To make available memorials as and when required
- To provide an environment which is of assistance to service users
- To adhere strictly to Committee's timing programme

3.11.1. **Financial Information 2008/09**

EXPENDITURE	£	£
Employees	137,326	
Premises	242,836	
Supplies & Services	111,115	
Capital Provision	<u>32,993</u>	<u>524,270</u>
INCOME		
Fees & Charges		518,484
Net Deficit		5,786
Financed by		
Precept NPT	£2,850	
Bridgend	£2,150	5,000
Use of Balances		786

3.11.2. The Budget is set in January each year and the service is paid for through service fees and charges and a precept of the rates of both authorities. The Joint Committee's aim is for the service to eventually be self funded.

3.11.3. Yearly accounts are sent to both Authorities. The Audit Department of Neath Port Talbot County Borough Council regularly audits the Committee's accounts. A period for the public statutory inspection of Accounts is designated in each financial year.

Action Plan Issues

- 3.12.1. The work of the Joint Committee is concentrated on the disposal of the dead by cremation and to provide a good service for the bereaved. With this in mind, the Committee has to gain the support from a number of outside agencies and service users.
- 3.12.2. In line with all its other policies, the Margam Joint Crematorium has sub-divided issues to be progressed into.

- **Legal Requirements**

In the recent past there has been a government review of the certification process for Doctors/Medical Referees following upon The Shipman Inquiry – there have been consequential changes to Cremation Forms. More changes may accompany reforms to The Registrars and Coroners Services, but these reviews are unlikely to affect the cremation process before 2010/2011.

Periodic air sampling is carried on as required. The regulations to control mercury emission require compliance by 2012. Central Government requires information from cremation authorities indicating how it is intended that we will comply with these standards.

- **Recommendations of the FBCA regarding the CAMEO Scheme**

The CAMEO Scheme, which is intended by FBCA to facilitate Burden Sharing for installation of mercury emissions testing, has not developed as envisaged. Officers will assess its development next year and report back to Committee.

- **Training Issues**

The cremation process can only be undertaken by persons who have obtained the relevant certificate of proficiency under examination by the FBCA. The crematorium now has three employees who passed the certificate.

3. **List of Background Papers**

None

4. **Wards Affected**

All

5. **Officer Contact**

Mr. David Michael – Head of Legal and Democratic Services

Tel. No.:- 01639 763368

e-mail:- d.michael@npt.gov.uk

**The Margam Joint Crematorium Committee
Action Plan – Financial Year 2008-2009**

Action Section

No.	Action	Person/s Responsible	Expenditure	Target Date	Comment
1.	Provision of services to the Local Health Board	DM	Not required	September 2008	Not achieved. Awaiting response from Local Health Board.
2.	Changes to procedures arising out of legislative change.	DM/BD	Not required	March 2009	Regulations now in force. Changes implemented December 2008.
3.	Book of Remembrance safeguards for content.	BD	Not required	March 2009	An old microfilm now in possession of Crematorium. Images of book being digitised.
4.	Survey of Quality Data other Crematoria.	BD/SK	Not required for survey	March 2009	Being undertaken to develop quality indicators for subsequent years.

**The Margam Joint Crematorium Committee
Action Plan – Financial Year 2008-2009**

Action Section

No.	Action	Person/s Responsible	Expenditure	Target Date	Comment
5.	Provision of training to staff to increase number of cremation certificates held.	BD/SK	In budget	December 2008	Now three members of staff hold cremation certificates. Further examination of this issue required in future emergency planning.
6.	Further internet access and IT improvements.	BD with assistance	In budget	September 2008	(1) Now improved access to Internet and Intranet for staff. (2) Paradox computer system now placed on two computers rather than one.
7.	Programme of public events.	BD	In budget	Christmas and Easter Services	Both services held. Report back on arrangements in next business plan.
8.	FBCA input to Business Plan.	DM/SK/BD	Budget sum identified	March 2009	Input now in draft.