

Brookwood Cemetery High Speed 2 Funding Task and Finish Group Report

Statement

As part of the contract to maintain the HS2 memorial space, HS2 provided £2.8 million as an endowment designed to provide an income for 100 years. This money was directed to the WBC General Fund.

WBC is contractually obliged to ensure that Brookwood Cemetery maintains the memorial space from April 2024 through to April 2124. The task and finish group sought to ensure that there was a solution in place to ensure that the space was adequately maintained for the duration of the contract and that WBC met its obligations.

Authors	CLlr Kevin Davis CLlr Leslie Rice
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Version	Date	Description
0.1	29/12/2023	Initial draft
0.2	11/03/2024	Final draft
1.0	13/03/2024	Published version

Contents

Statement	1
Contents.....	2
1. Brookwood Cemetery Historical Context.....	3
2. High Speed 2	3
3. Overview and Scrutiny Task & Finish Group	3
3.1 Terms of Reference	3
3.2 Roles and Functions	4
4. Outcomes.....	4
4.1 Method Statement	4
4.2 Analysis	4
a) Determine the status of the funding that was provided through HS2 scheme.	4
b) Understand the purpose of the funding provided.....	4
c) Review what funding is required for cemetery to operate.....	5
d) Understand the obligations on the Council towards the cemetery.....	5
e) Understand the treatment of these funds under S114 status, if applicable.	5
f) Understand the steps taken to date to ensure that funding will be available for the full duration of the original period identified by the donor, HS2.....	5
g) Seek views and make recommendations on the sustainable running of the cemetery.	5
Appendix 1: Scrutiny Review Topic Selection	6
Appendix 2: HS2 Brookwood Cemetery Task & Finish Group	9
Terms of Reference	9
Appendix 3: BROOKWOOD CEMETERY – HS2 MONIES	11

1. Brookwood Cemetery Historical Context

Brookwood Cemetery is a nationally important Grade 1 listed park situated in the Heathlands ward of Woking borough. There is a civilian side and a military side. The civilian side is the largest cemetery in the UK and the military cemetery houses war graves managed by the Commonwealth War Graves Commission (CWGC) and the American Battle Monuments Commission (ABMC).

Woking Borough Council (WBC) acquired the civilian side of Brookwood Cemetery in 2015 after extensive scrutiny of the cemetery as the cemetery was at risk due to ongoing litigation at the time.

Since the acquisition, WBC has invested heavily in the cemetery to ensure it is a safe and welcoming space for visitors and a place where people would wish to be buried at the end of their lives.

2. High Speed 2

The High Speed 2 (HS2) rail project had identified a requirement to exhume and rebury approximately 25,000 bodies from various closed London cemeteries that were directly on the route of the proposed rail line and initiated a tender exercise to identify a suitable space where bodies could be reburied and an appropriate memorial could be built to commemorate the dead.

Brookwood Cemetery management responded to the tender exercise and in 2020, it was announced that the cemetery had been successful, and work begun soon after.

As part of the contract, Brookwood Cemetery is required to maintain the HS2 burial area and memorial for 100 years and funding from HS2 was made available.

The work to rebury bodies and the memorial was completed in 2023 by HS2 with Brookwood Cemetery becoming responsible for maintenance from April 2024 and WBC responsible for remitting annual funds to Brookwood Cemetery and ensuring Brookwood Cemetery performs its responsibilities for maintenance and administration.

3. Overview and Scrutiny Task & Finish Group

In May 2023, a scrutiny topic request form was submitted by Cllr Davis due to concerns regarding the ongoing maintenance of the HS2 burial area and the funds supplied by HS2 for that purpose. The Scrutiny Topic Request form is included at Appendix 1.

WBC issued a S114 Notice in June 2023 and that provided some clarity on HS2 funding and exposed a scenario hitherto not considered.

3.1 Terms of Reference

At the October O&S meeting the Terms of Reference for the HS2 Brookwood Cemetery Task and Finish Group were agreed and the membership of the group determined as Cllr Davis and Cllr Rice. The Terms of Reference are included in Appendix 2 with the Roles and Functions documented below.

3.2 Roles and Functions

- a) Determine the status of the funding that was provided through HS2 scheme.
- b) Understand the purpose of the funding provided.
- c) Understand how the funding was provided.
- d) Review what funding is required for cemetery to operate.
- e) Understand the obligations on the Council towards the cemetery.
- f) Understand the treatment of these funds under S114 status, if applicable.
- g) Understand the steps taken to date to ensure that funding will be available for the full duration of the original period identified by the donor, HS2.
- h) Seek views and make recommendations on the sustainable running of the cemetery.

4. Outcomes

4.1 Method Statement

A series of meetings were held with the aim of gathering information from Brookwood Cemetery staff and Council employees including the S151 officer to determine the status of all aspects of the agreement between HS2, Brookwood Cemetery and WBC.

This work further determined responsibilities and how WBC intends to treat the finances to ensure that the agreement is implemented as contracted.

It was important to ensure that WBC was able to provide the funding over the next century and that the corporate Council memory is not lost regarding the agreement, together with the processes in place to guarantee its delivery.

There was a requirement identified that Brookwood Cemetery would need to provide a maintenance schedule and long-term investment plan enabling the HS2 space to be kept in good condition.

The Section 151 Officer has provided a summary at Appendix 3.

4.2 Analysis

- a) Determine the status of the funding that was provided through HS2 scheme.

HS2 paid WBC a grant of £2,800,000 in 2020. WBC treats this as cash on its balance sheet and will each year on the 31 March add accrued interest at the Bank of England rate less half of one percent.

The contract was set-up with WBC responsible for the funding arrangements.

- b) Understand the purpose of the funding provided.

To allow Brookwood Cemetery to provide ongoing administration and maintenance of the HS2 burial site and its environment.

Brookwood Cemetery HS2 Task and Finish Group Report

- c) Review what funding is required for cemetery to operate.

Through the Task and Finish Group, it was identified that Brookwood Cemetery would be required to provide a maintenance schedule and investment plan for the upkeep of the site over the period of the contract.

- d) Understand the obligations on the Council towards the cemetery.

WBC will invest the grant and remit annual amounts to Brookwood Cemetery.

WBC will ensure that Brookwood Cemetery performs its responsibilities under the contract.

- e) Understand the treatment of these funds under S114 status, if applicable.

As there is a legally binding contract in place between the three entities, the S114 status that prevents non-statutory spending is exempted regarding the funding of the HS2 site.

- f) Understand the steps taken to date to ensure that funding will be available for the full duration of the original period identified by the donor, HS2.

The £2,800,000 has been allocated in ear-marked reserves and separately recorded and reported on in the Council's annual accounts.

- g) Seek views and make recommendations on the sustainable running of the cemetery.

Following the fact-finding period, it was determined that WBC has sufficient provisions in place to ensure the sustainable funding of the HS2 burial site for the contract period.

The Task and Finish Group is satisfied that the appropriate funding is available, and the corporate memory of this agreement will last for the duration of the contracted 100 years.

Therefore, there is no formal recommendation to the Overview and Scrutiny.

Appendix 1: Scrutiny Review Topic Selection

Set out below is a copy of the online form set up for Councillors to submit a Scrutiny Review Topic Selection for consideration at a meeting of the Overview and Scrutiny Committee.

This form must be completed in full with as much detail as possible.

Your name:	Kevin Davis
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Date Drafted:	27/05/2023
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Proposed Scrutiny Topic:	Scrutiny of the Brookwood Cemetery HS2 Funds
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<p>Selection criteria If your proposed Scrutiny Review Topic falls under any of these rejection criteria, it may not be a suitable topic to progress</p>	
Criteria for Scrutiny Review:	
Scrutiny Review likely to result in improvements for local people.	XX
Topic falls within a Community or Corporate priority.	X
Topic represents a key issue for the public.	X
A service is performing poorly.	
High level of dissatisfaction with a service.	
Criteria for rejecting a Scrutiny Review Topic:	
Topic already being addressed.	
Matter is subjudice or prejudicial to the Council's interests.	
Specific case falls within the Council's complaints procedure.	
Topic involves individual disciplinary or grievance matter.	
Proposed topic is unlikely to result in improvements for local people.	

Outcomes of the Review	
<p>Why should the Scrutiny Review be undertaken?</p> <p>As part of the HS2 project to move bodies from London to Brookwood, the fund of £2.6 million was given to Brookwood Cemetery to maintain the HS2 memorial area for 100 years. This endowment was redirected to Council funds whereas arguably it should have been deposited with the cemetery companies. What guarantees are there that the money will be spent on the cemetery and continue to do so for the full 100 years, and should an alternative strategy be taken to safeguard the funds for cemetery use?</p>	
<p>What benefits could result from the Scrutiny Review?</p> <p>The cemetery is guaranteed the income it should have and the transparency around the initial deposit of the £2.6 million is better understood.</p>	
<p>What level of impact will the Scrutiny Review have?</p>	
Substantial benefits community wide or for a significant proportion or section of the Community.	X
Moderate benefits for two or more client groups or substantial benefits for only one client group.	X
Minor benefits for two or more client groups or substantial benefits for only one client group.	
Minor benefits for only one client groups.	
No benefits likely to result.	
Topic Review Process	
<p>Resources to be included in the Scrutiny Review:</p>	
WBC Officer Time Committee.	Finance team / Asset Manager
Report and/or presentation.	
Councillor time.	
Portfolio Holder Involvement.	No
Expert or External Representatives participation.	Chairman of the Brookwood Cemetery board HS2 representation
Establishment of a Task Group.	No
Site visits.	No
Research and Evidence.	Original decision-making information and definition of processes in place to protect the funding.
Consultation Exercise.	No

Appendix 1 – Scrutiny Topic Selection Form

Other

Please add explanatory note for any resource selected above.

Representatives of HS2 and Brookwood Cemetery should be present to set the scene, outline intentions and to ensure absolute transparency.

Please add any further information that you think would be useful in the consideration of this Scrutiny Review Topic.

Once submitted, if your Scrutiny Review Topic meets the selection criteria and enough information has been provided, it will be considered by the Overview and Scrutiny Committee at their next meeting, where they will decide whether to add the topic to their Work Programme.

Appendix 2: HS2 Brookwood Cemetery Task & Finish Group

Terms of Reference

Adopted: October 2023

Introduction

The HS2 Brookwood Cemetery Task & Finish Group ('the Group') shall report to the Overview and Scrutiny Committee.

Significant changes to the Terms of Reference must be approved by the Overview and Scrutiny Committee. Minor changes may be made by the Monitoring Officer.

Role and Functions

The OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report was established to:

- Understand the purpose of the funding provided.
- Determine the status of the funding that was provided through the HS2 scheme.
- Review what funding is required to support the HS2 reburials at the cemetery.
- Understand the obligations on the Council towards the HS2 reburials at the cemetery.
- Understand the treatment of these funds under S114 status, if applicable.
- Understand the steps taken to date to ensure that funding will be available for the full duration of the original period identified by HS2.
- Seek views and make recommendations on the sustainable running of the HS2 reburials at the cemetery.

Membership

The membership shall be decided by the Overview and Scrutiny Committee.

Membership of the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report shall be two (2) Councillors.

Quorum

The quorum shall be two (2) members of the Group.

Chairman (and election thereof)

The election of the Chairman shall take place at the first meeting of the Group.

Recommendations of the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report

It is expected that the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report shall reach its recommendations through consensus.

Meetings of the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report

Appendix 2 – HS2 Brookwood Cemetery Task & Finish Group Terms of Reference

Formal meetings of the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report shall be held virtually and serviced by Democratic Services.

The OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report shall have two (2) meetings. Should the Group require more meetings a request must be submitted to the Overview and Scrutiny Committee.

Meetings of the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report shall be held in private. Any recommendations shall become public once at Committee.

As the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report is private all papers shall be treated as confidential.

Any Council Member may attend as an observer and may, with the consent of the Chairman, contribute to the OSC24-022 Brookwood Cemetery HS2 Task and Finish Group Final Report.

Outcome

The Group shall be expected to report its outcomes to the Overview and Scrutiny Committee.

Appendix 3: BROOKWOOD CEMETERY – HS2 MONIES

In accordance with the tri-partite agreement, HS2 paid £2.8m to Woking Borough Council on 3 March 2022 to be held on behalf Brookwood Cemetery for 100 years for the administration and maintenance of the HS2 burial site within the overall cemetery.

The requirement of the tri-partite agreement is that:

WBC will invest the £2,800,000 Grant and make annual payments to Brookwood to secure the Administration and Maintenance of the HS2 Burial Site and its environment within Brookwood Cemetery for 100 years following completion of the Stage 2 Works.

The agreement requires investment of the funds and payments to Brookwood but is silent on the exact basis of these. At the time some illustrative figures were drafted by the then Chief Executive, but these were not incorporated in the agreement. The arrangements now need to be firmed up.

The funds are held within the Council's overall balances in an earmarked reserve that will be separately recorded and reported on in the Council's annual accounts. The Council cannot invest in any other instruments than cash, hence the HS2 monies will be credited each year with interest at the Bank of England rate less half a percent (the rate as at 31 March each year end).

The estimated amount accrued to date (this will be confirmed as part of the Council's final accounts for 2023/24) on this basis is:

- Interest year to 31 March 2022 = £536
- Interest year to 31 March 2023 - £52,728
- Interest to 31 March 2024 (estimated) = £128,693
- The actual balance as at 31 March 2023 was therefore £2,827,420 and the estimated balance at 31 March 2024 is £2,942,607

There was a proposal that £12,500 be paid as a basic annual maintenance fee, rising in line with (an unspecified rate of) inflation. Suggestions of larger payments on periodic larger maintenance works were also proposed. The Council is willing to follow this route.

However, we suggest that an alternative proposal would be to ask the Company to put forward a long-term asset maintenance programme, this could include £12,500 with an annual uplift using an appropriate index (e.g. construction index) but within a longer-term plan.

Eugene Walker
Interim Strategic Director of Finance
March 2024