

## **Cabinet – 15 June 2016**

### **Review of Bereavement Services' Rules and Regulations**

<b>Portfolio:</b>	Councillor Julie Fitzpatrick – Community, Leisure and Culture
<b>Service:</b>	Leisure, Culture and Operations
<b>Wards:</b>	All
<b>Key decision:</b>	Yes
<b>Forward plan:</b>	Yes

#### **1. Summary**

- 1.1 The current version of the Rules and Regulations relating to Walsall's cemeteries and crematoria was published in spring 2009. Since then a number of improvements have been made to the service and an updated version (Appendix A) has now been produced to reflect these.
- 1.2 This report outlines the feedback received as a result of public consultation with stakeholders and service users carried out between 1 February and 31 March 2016 (see information pack in Members' Group Rooms).
- 1.3 The report also outlines the recommended amendments made as a result of the consultation feedback.

#### **2. Recommendations**

- 2.1 That the revised Rules and Regulations for Cemeteries and Crematorium (Appendix A) be approved.
- 2.2 That, in the interests of operational efficiency, Cabinet delegate authority to make any minor future operational amendments to the Rules and Regulations in respect of cemeteries and crematorium, as required, to the Head of Leisure, Culture and Operations in consultation with the Cabinet Member for Community, Leisure & Culture
- 2.3 That Cabinet, in conjunction with approving the Rules and Regulations, continue to endorse the proposals for dealing with proactive and reactive enforcement of the Rules and Regulations.

#### **3. Report detail**

- 3.1 The council manages Streetly Crematorium and eight cemeteries namely; Bentley, Bloxwich, James Bridge, North Walsall, Ryecroft, Streetly, Willenhall Lawn and Wood Street.

- 3.2 Each year around 2,000 cremations take place at Streetly Crematorium. Approximately 925 interments (full burial and cremated remains) are also carried out in Walsall cemeteries and it is estimated that something in the region of 150,000 people attend these services. In addition approximately a further 100,000 visits are made to the Borough's cemeteries and crematorium.
- 3.3 The Rules and Regulations for the management of cemeteries and crematorium were last reviewed in late 2008 and published in spring 2009.
- 3.4 The Rules and Regulations are needed for the management of Walsall Metropolitan Borough Council cemeteries and crematorium. While every effort has been made to avoid restricting individual rights and choices, the need for safe and tidy grounds and the provision of cemeteries as places for peaceful contemplation are also important considerations.
- 3.5 The Local Authorities' Cemeteries Order 1977 states, amongst other things, that a Burial Authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.
- 3.6 A number of improvements have been made to the service since the last revision and these are incorporated into the revised Rules and Regulations for example;
- Inclusion of concrete blocks as a suitable material for brick graves
  - Increase in the permitted interment times outside normal hours
  - Installation of wooden grave edge frames at ground level on request
  - Diagrams of permitted memorial locations on graves
  - Inclusion of Guidance to Funeral Directors from the Federation of Burial and Cremation Authorities has been brought up to date
  - The Rules & Regulations have also benefited from other re-formatting and re-wording for clarity and / or ease of understanding
- 3.7 A two month period of extensive public consultation was held between 1 February and 31 March 2016. This gave all residents and stakeholders the opportunity to contribute to, and comment on, the proposed new Bereavement Rules and Regulations. This would allow the council to fulfil its commitments relating to its core aims and values, operational commitments within the service as well as standards of maintenance.
- 3.8 The consultation documents were provided as a pack (see information pack). This consisted of a copy of the press release, a copy of the draft Rules and Regulations and a copy of the survey questionnaire.
- 3.9 A total of 72 responses were received of which 65 were received electronically with a further 7 hard-copy submissions.
- 3.10 Two letters relating to the consultation were received; one was from the Commonwealth War Graves Commission and the other from an individual.
- 3.11 Experience has shown that some of Walsall's Muslim communities like to decorate new graves to a greater extent than other communities. In Streetly Cemetery, section T is orientated in compliance with Islamic requirements.

Following lengthy discussions with representatives of some the Muslim communities including at the Communities Services Scrutiny and Performance Panel in November 2011, certain changes were agreed to highlight where a body was buried in a grave. These included a “crowning” of the grave with a low mound to signify a burial has taken place. It was also agreed that no ride-on mowers would be used over the crowned grave itself and that all future grounds maintenance would be undertaken with hand-held trimmers. It was acknowledged that this would however lead to a reduced standard of grass maintenance in the immediate area. Other requirements for ground level wooden frames to be installed around the grave edges have now also been permitted. Though this permission has been in place for several years, the option has not yet been taken up.

All new graves are left for a period of 6 months for the earth to settle after the interment. During this time some families decorate the grave mound with a variety of items such as pebbles from the site, flowers and plants. Following this period, an inspection will identify those graves which require enforcement of the memorial regulations to bring them into line with lawn cemetery standards. In line with procedure the grave rights owners are sent a letter before any action takes place.

Section T at Streetly Cemetery, was inspected late in 2015 and enforcement letters were scheduled to be sent out after the Christmas break. In light of recent contact with some community members, enforcement was postponed until the Rules and Regulations consultation had been undertaken and this Cabinet have considered the issue further. This was a reasonable decision for officers to make, however it ought to be noted that continued non enforcement will undermine efforts to ensure all current, and future, rules and regulations are properly observed.

- 3.12 The planting of trees and bushes within the grave space is rare across all cemeteries. In 2015 there were only 64 horticultural infringements over 21,500 headstone graves (99.7% compliance).

The pro-active survey of lawn sections for horticultural infringements will be included within the normal cemetery maintenance inspection regime to maintain the current high standard.

- 3.13 On new burial sections where baby burials take place, the Council lay a plastic membrane covered with shingle over an area within which the individual baby graves are located. The practice of using shingle was introduced at Willenhall in 2012 and since then at North Walsall and also Streetly. The design was used as parents were keen to leave toys, teddies and windmills with their children.

Before this design was introduced it was found very difficult to undertake appropriate and safe ground maintenance with either mowers or trimmers. It was not possible to get in close to the graves and/or toys may have been easily damaged. In addition, the grass and soil tended to cause various toys to decay and rot. The shingle dries out much quicker and the commemorative toys have been found to last much longer; something that parents are keen to see.

The Muslim baby area at Streetly is still on the grassed lawn area of the cemetery, facing East and does permit the leaving of toys if parents wish, as in the shingle area of the cemetery.

Although some enforcement might be required within the shingle area, experience has shown that unauthorised items placed on these graves have, in the main, not impeded maintenance especially grass cutting as there is no lawn to cut. The only maintenance required is on the grave itself and encompasses weed killing about twice a year. As a consequence, enforcement on the baby area is significantly less than for other burial areas.

3.14 For Members' information the following procedure will be used where non compliance with the new requirements is identified:

- A letter will be sent to the last known address of the grave rights owner or, if not possible, place appropriate signage on or near the identified non-conforming article(s). A copy of the letter will be attached to the memorial, tree, building or council property.
- If the issue remains outstanding after one month, staff from Bereavement Services will remove the property from the grave or other areas of the cemetery / crematorium and this will be taken into storage for one month for collection by the owner.
- If no contact is received from the owner by the end of this period the property will be disposed of. The procedure will be fully explained in the initial correspondence.
- Items deemed to present an immediate safety hazard to cemetery and / or crematorium visitors will be removed without prior notification. The grave rights owner will subsequently be notified and provided with an opportunity to collect the items. If this has not occurred within one month the items will be disposed of.

3.15 It is recognised that there is a need for sensitive and proportionate introduction of the revised memorial Rules and Regulations, particularly as a large number of existing memorials will be expected to meet the required standard in order to ensure compliance.

To this end a number of key improvements will be made as a result of the consultation, these being:

- The diagrams in the Rules and Regulations have been moved to the front of the document, as requested,
- Appropriate signage will be placed in all cemeteries advising grave rights owners of the introduction of the new requirements and providing them with a contact number for further advice. The Council's Bereavement Services website will also display relevant information,
- The signage will show clear diagrams of what is allowed along with a "Top 10" of the key issues to adhere to,
- The new regulations will be displayed within cemetery buildings and at the crematorium, and
- All local funeral directors and memorial masons will be notified of the implementation of the revised new requirements and their support requested in advising cemeteries and crematorium users.

- Recognised community groups will be contacted to advise of the revised rules and regulations as a means of dissemination across the borough.

3.16 As part of the ongoing communication process, to try and ensure effective implementation of the new requirements, all new grave rights owners will continue to be issued with a summary of the Rules and Regulations. In addition amendments will be made to the Order for Burial that applicants sign. This will increase awareness of the existence of Rules and Regulations. It will also clarify that they are purchasing an Exclusive Right of Burial to the grave. Subject to agreement by Cabinet the revised Rules and Regulations will be circulated to stakeholders such as local funeral directors, local memorial masons and local community groups.

3.17 This service is one of the most sensitive that the council is responsible for. The revised Rules and Regulations aim to allow the cemeteries and crematorium to be managed in a safe manner for the benefit of all users whilst complying with relevant legislation.

#### **4. Council priorities**

4.1 The revised Rules and Regulations support the council's priority of Creating Safe, Sustainable and Inclusive Communities by providing a framework by which the Council manage the strategic and logistical operations within the cemeteries and crematorium.

4.2 This will help to ensure the safety of staff and visitors at all sites and the maintenance of the expected level of service delivery in a consistent and transparent manner for the benefit of bereaved families accessing the facilities.

#### **5. Risk management**

5.1 The revised Rules and Regulations support the council's commitment to the provision of safe cemeteries and ensure compliance with the statutory requirements for burial and cremation.

#### **6. Financial implications**

6.1 The cost of publishing new documents and additional signage can be met from existing resources.

#### **7. Legal implications**

7.1 The Local Authorities' Cemeteries Order 1977 states, amongst other things, that a Burial Authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.

#### **8. Property implications**

- 8.1 There are no property implications apart from the on-going management of the Council's land within the various cemeteries.

## **9. Health and wellbeing implications**

- 9.1 The Rules and Regulations assist in making the cemeteries and crematorium a safe place for users, staff and stakeholders.

## **10. Staffing implications**

- 10.1 There are no staffing implications.

## **11. Equality implications**

- 11.1 There is no major change to policies, procedures and services as is it a minor revision of the Rules and Regulations and therefore an Equality Impact Assessment was not required.
- 11.2 No major issues, concerns or adverse impacts were raised by people with protected characteristics. All responses were considered and reasonable changes and improvements (such as updated signage in cemeteries and diagrams to illustrate headstones conformity) have been made to the revised Rules and Regulations.
- 11.3 Walsall will continue to implement good practice in terms of equality throughout the service.

## **12. Consultation**

- 12.1 Bereavement Services received responses from service questionnaires sent to service users and consultations with funeral directors and other professional bodies accessing the services provided. There are active and regular discussions with recognised community groups, cemetery user groups and Walsall Manor Hospital.
- 12.2 Initial internal consultation with Head of Finance, Public Health, Equality and Diversity, Environmental Health and Legal Services has been reflected in the proposed document. Responses from the wider consultation through the council website, the Multi-faith Forum and recognised community groups has been considered and reflected in the proposed document where appropriate.
- 12.3 The consultation pack (see information pack) was provided in a variety of ways:
- Emails were sent directly to:
    - 75 local funeral directors.
    - 42 local memorial masons.
    - 10 local religious community groups.

- Area managers.
- Community Cohesion & Engagement Lead Officer.
- Public Health.
- Adult Social Care.
- Walsall Voluntary Action – approximately 600 community and voluntary organisations.
- Walsall Police.
- Citizens Advice Bureau.
- A message was displayed digitally on the council internet and intranet.
- A message was shown on the display screens in the First Stop Shop.
- A press release was issued to local media companies.
- An article was sent to all staff via the 'Weekly Bulletin'.
- Notice was given in the councils internal communication document 'Core Brief'.
- Printed copies of the press release were issued to all council Members.
- Notices containing a copy of the press release were displayed in each of the cemeteries and at the crematorium
- Hard copies of the consultation packs were available from:
  - 16 local libraries.
  - First Stop Shop.
  - Willenhall Lawn Cemetery.
  - Streetly Crematorium.
  - The Register Office.
- Hard copies of the pack were sent to individuals who were previously made aware that a consultation was imminent.
- A dedicated page was set up within the Bereavement and Registration Services web pages.

## **Background papers**

The Local Authorities' Cemeteries Order 1977  
 Cabinet report 19 November 2008 (previous revision)  
 Proposed Rules and Regulations (2016)

A background pack of papers including consultation feedback has been made available to Members in the respective Group rooms and copies have been provided to members of Cabinet.

## **Appendices**

A. Rules and Regulations in respect of cemeteries and crematorium

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6 June 2016



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6 June 2016