

Council – 24 September 2011

Response to Petition on the Maintenance of Graves

1. Introduction

On 30 May 2012 the Council received a petition signed by over 2,500 people regarding concerns about the maintenance and management of lawn memorials in the Council's cemeteries.

Referral to Council is required under the petitions scheme contained in the Council's Constitution. The Lead Petitioner has been invited to attend the meeting to present his case to Members.

The petition reads:-

"The signatories below sign the petition in support of the following:

- The signatories feel aggrieved in the way the graves have been maintained and the way that they have been stepped across (and have been driven across by the Lawn Tractor).
- As a consequence of the above it may be the case that the graves have now caved in.
- They request that edging to the individual graves be restored to ensure the above does not occur ever again."

The covering letter, signed on behalf of "Walsall Muslim Organisation" also requested:

- An apology for families
- The cessation of the use of lawn tractors
- Employees to not to walk on graves
- Maintenance to be by hand held machines
- Restoration of edging to graves
- The council to work with the Walsall Muslim Organisation on a range of other issues.

2. Recommendations

Council is asked to:

(a) Note the petition, and

(b) Note the actions which officers are proposing to take to respond to this.

3. Background

In common with the vast majority of burial authorities throughout the country, Walsall has a set of rules and regulations for the management of its cemeteries. Part of the rules and regulations relate to the type of memorials permitted on graves. From the 1950's it was common for local authorities to introduce lawn sections into their cemeteries. These areas are predominantly grassed with provision to place a memorial at the head of the grave.

For many years in Walsall the manner in which burials have in the main taken place follows the lawn grave layout. This enables efficient grounds maintenance of graves on these sections to be carried out in an acceptable manner. There are now several thousand graves of this type in Walsall cemeteries. Only a very small proportion of visitors have raised any concerns, in fact, a vast majority of lawn graves already complied with this principle.

The council has provided Muslim burial sections for about fifty years and all of them are laid out as lawn type graves.

For the purpose of managing burials and to maintain the cemeteries as peaceful and respectful grounds for the bereaved and the community overall, the Council has a set of rules and regulations. These set out both general and specific information about cremation, burials and memorials. Section 6 covers memorials and section 6.12 specifically covers Memorials on Lawn Headstone Sections. It states:

- g) No kerbstone or any other form of monument or memorial whatsoever will be allowed in this section of the Cemeteries.*
- h) Nothing else may be placed or erected on or over a grave except wreaths and flowers at the time of interment.*

Rules and regulations are a necessary requirement for the benefit of all visitors. Whilst every effort is made to avoid restricting individual rights and choices, the need for safe and tidy grounds and the provision of cemeteries as both functional facilities and places for peaceful contemplation are also important considerations.

Officers were aware that there had been a gradual increase in the number of graves that did not comply with the above. This included unauthorised low level concrete edging around the full length of the grave. This caused the knock-on problem of making grounds maintenance and grass cutting very difficult.

Steps were taken during 2011 to enforce the regulations starting at North Walsall Cemetery. Enforcement action only took place after a written letter to the grave rights owner had been sent first requesting removal of the unauthorised memorials. No problems were encountered during this work. The programme then moved to other cemeteries in the Borough.

On 7 November 2011 a petition of over 500 signatures was submitted to a meeting of the Council by Councillor Jeavons titled "Save the dignity of our loved ones". In accordance with Council procedure the petition and a report was considered by the Community Scrutiny and Performance Panel on 29 November

2011. The Scrutiny Panel considered the issue and received representations. The recommendation to Cabinet was that the Council's rules and regulations should be enforced and that edging should not be permitted. Cabinet considered Scrutiny's report on 14 December 2011 and agreed that the officers should continue to enforce the rules and regulations.

Following discussions with representatives of the Muslim community, it was agreed that "crowning" of the soil and turf above the grave would be permitted but that concrete raised edging would not.

At the beginning of May representatives of the Muslim community expressed concern that grounds maintenance grass cutting equipment had been driven over the graves immediately after a period of very wet weather and had now left tyre marks across the burial area. Some of the soil above the graves had also settled due to the compaction with the heavy rain and Street Pride agreed, as part of their usual maintenance programme, that these would be topped up and re-seeded. This work was undertaken the following week.

Due to the number of lawn graves in the borough the grass needs to be cut by means of mechanical equipment to ensure that the work is done efficiently and effectively. The second petition (the subject of this report) suggests that the use of such equipment has resulted in graves, specifically the coffin, collapsing. In the experience of officers this is unlikely and is much more likely to be the result of natural settlement as the soil settles and becomes more compact.

Areas of lawn graves are now maintained by Street Pride using pedestrian driven mowing equipment. This includes the necessity for operatives to walk over graves so that all areas are maintained to the appropriate standard. Issues such as manual handling, leaning and stretching are all factors that have to be taken into account. The use of sit-on mowers has ceased.

4. Options

There are therefore several issues to consider:

- (1) Maintenance of graves: This has now already changed and grass cutting on this section is achieved using a pedestrian mower where operatives walk behind the machine. Ride on machines are no longer used to go over these graves.
- (2) Collapsing graves: It is known that disturbed ground settles, particularly in the first six months after the coffin is buried. There will also always be a degree of natural settlement due to wind, rain and snow. There is no evidence that coffins have collapsed however the only certain method of checking would be to excavate the grave down to the boards that rest across the top of the coffin.
- (3) Demarcation of graves: There are various options:
 - (a) Permit a wooden edging to be constructed around graves but level with the ground for the purposes of demarcation, where requested by families,

- (b) Continue the practice of crowning graves where requested by families,
- (c) A combination of both “a” and “b” above, or
- (d) To return to the standard principle of a lawn cemetery and have neither edging nor crowning to individual graves.

In common with our normal practice on bereavement matters affecting Muslim families we have consulted the Union of Muslim Organisations (UMO) in preparing this report. The reply from UMO recognises that the cemetery is a lawned cemetery and would need to be maintained as such. They have requested that the Council consider three courses of action to address the petition issues, these being:

- To maintain the graves using hand-operated pull / push along mowers,
- To continue the permitting of a crowned structure to the grave, and
- To construct a border around the grave, for families that request it, at ground level made of a suitable material to allow the grass to be cut without detriment.

5. Financial Implications

Officers advise that these proposals could be accommodated without compromising the standard of maintenance at the cemetery or imposing an additional pressure on council resources. The full cost of the wooden edgings installed by the Council would be charged to the families who request for it to be done and therefore should not be a pressure on the service budget. An average is expected to be approximately £75 per grave.

Whilst this request has been submitted on behalf of Muslim families, any change would have to be applied to all graves in the Council's lawn cemeteries irrespective of religious denomination. Such changes would also have to be allowed retrospectively to existing graves if families of the deceased so required.

6. Legal Implications

Walsall Council is a burial authority and may under Article 3 of the Local Authorities' Cemeteries Order 1977 do “all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery”. The exercise of these and associated statutory functions is the responsibility of the Executive and is delegated under the constitution to the Bereavements and Registrations Service Manager.

Article 4(1) of the Local Authorities' Cemeteries Order 1977 imposes a positive duty upon a burial authority to “keep the cemetery in good order and repair”.

The cemetery rules and regulations have been in place for a number of years and had been developed to provide a framework to manage cemeteries for the benefit of all users. The Council has enforced these rules which had then highlighted the issue of unauthorised memorials and grave edging at certain graves. The Council has actively worked with UMO to resolve these issues.

6. **Conclusion**

- In conclusion therefore officers are proposing to take the following action to address the concerns raised:
- Permit ground level wooden edging to demarcate graves (the costs of which to be borne by the families requesting this)
- Continue the practice of “crowning” the graves where requested by families
- Continue the use of pedestrian mowers to maintain the grass
- Contact the grave owners to notify them of the council decisions

The Council is invited to note these actions which would be taken under delegated powers under the constitution.

Jamie Morris
Executive Director

14th September 2012