

**HIGH PEAK BOROUGH COUNCIL**

**Report to The Executive**

**15 February 2018**

<b>TITLE:</b>	<b>Cemetery Regulations Review</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Cllr Thrane – Executive Councillor for Finance and Operational Services</b>
<b>CONTACT OFFICER:</b>	<b>Nicola Kemp – Operations Manager (Contracts)</b>
<b>Wards:</b>	<b>All wards</b>

**Appendix 1 – HPBC Cemetery Regulations (revised at Dec 2017)**

**1. Reason for the Report:**

- 1.1 To advise The Executive of revised Cemetery Regulations proposed for adoption in the High Peak.

**2. Recommendation**

- 2.1 That the Executive adopts the changes which are set out in the Appendix.

**3. Executive Summary**

- 3.1 HPBC manages four cemeteries within the district. These are Buxton Cemetery; Glossop Cemetery; Green Drive Cemetery, Hope; Thornsett Cemetery, New Mills. The ownership of these cemeteries lies solely with the Council. In addition the Council maintains 10 closed churchyards where maintenance responsibilities have transferred to the Council.
- 3.2 The grounds maintenance of all these sites is carried out in-house by the Direct Services team within Operational Services. Repairs and maintenance to cemetery buildings and to hard landscaping is undertaken in conjunction with the Assets team through its Facilities Management contract held with Derbyshire County Council (DCC).

- 3.3 The provision of a means to bury the deceased who pass away within the district is a statutory obligation of this Council. With the current efficiency agenda, the Council needs to consider alternative ways of delivering services as efficiently and effectively as possible.
- 3.4 An Internal Audit was conducted in the summer of 2017 on the cemeteries service. This identified that the existing Cemetery Regulations have not been updated for several years. As a result it was recommended they are reviewed to update and standardise them across the Alliance wherever possible.
- 3.5 A summary of the changes included in the revised regulations as highlighted in Appendix 1 are:
- Minor revisions to the time we can accept the last cremated remains burial.
  - Burials between Boxing Day and New Year's Day will no longer be permitted.
  - Telephone burial bookings will not be accepted.
  - Evidence of legal title to a grave plot will be required to book any burial when grave deeds are not available. Such title to be: Forms of Assignment, Grant of Probate, Grant of Letters of Administration, Form of Assent and/or Statutory Declarations will be necessary, dependant on the circumstances of the deceased and applicant.
  - Those arranging a coffin burial are to arrange for an existing memorial headstone to be removed before the grave is excavated for a further burial.
  - The person (usually a Funeral Director) making the burial booking shall be liable for all fees and charges relating to cemetery services.
  - A reduction in the length of burial rights from 80 to 50 years.
  - Confirmation of the Council's responsibilities regarding maintenance at closed churchyards.
- 3.6 Funeral directors and Memorial Masons as our key stakeholders will be consulted with in regards to the revised regulations, with implementation planned to occur in April 2018 unless the received responses raise any significant concerns. The regulations once fully adopted will be made available on the Council's website, with relevant webpages updated accordingly and copies sent to all Funeral Directors and Memorial Masons with whom we work. In addition a shortened version will be displayed at our cemeteries for the public to view.

#### **4. How this report links to Corporate Priorities**

- 4.1 Protecting and Improving the Environment - The Council wishes to ensure provision of quality open spaces as high quality open space encourages healthier lifestyles and ensures the area has an image as one in which it is a good to live and conduct business. Cemetery sites whilst providing important services support overall corporate objectives alongside encouraging environmental sustainability and biodiversity.

4.2 Meeting financial challenges and providing value for money - The management and maintenance of the cemeteries and closed churchyards under the Council's control has an impact on Council resources.

## 5. Options

5.1 There are two options available to the Council at this time, these are:

1. To adopt the revised regulations (**recommended**)
2. To not adopt the revised regulations (not recommended)

## 6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)  
None.

6.2 Workforce  
As detailed within the report.

6.3 Equality and Diversity/Equality Impact Assessment  
This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations  
As detailed within the report.

6.5 Legal  
This report proposes changes to the Cemetery Regulations which are made pursuant to Regulation 3(1) of the Local Authorities' Cemeteries Order 1977 and under Section 214 of the Local Government Act 1972. Under Section 3 of the Order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery and under Section 4, A burial authority may enclose, lay out and embellish a cemetery in such manner as they think fit, and from time to time improve it, and shall keep the cemetery in good order and repair, together with all buildings, walls and fences thereon and other buildings provided for use therewith. Notwithstanding the wide powers available to the authority in respect of management of the cemeteries, the authority should consult with key stakeholders and service users and consider any responses before authorising the proposed changes.

6.6 Sustainability  
Sustainability considerations have been embedded in the proposed future management options.

6.7 Internal and External Consultation

A desk study of burial right lengths in cemeteries in neighbouring council areas has been conducted.

6.8 Risk Assessment  
None.

**Keith Parker**  
**Head of Operational Services**

<u>Background Papers</u>	<u>Location</u>	<u>Contact details</u>
Current HPBC cemetery regulations	HPBC website	Nicola Kemp (Operations Manager – Contract Management)

**7. Background**

- 7.1 HPBC manages four cemeteries within the district. These are Buxton Cemetery; Glossop Cemetery; Green Drive Cemetery, Hope; Thornsett Cemetery, New Mills The ownership of these cemeteries lies solely with the Council. In addition the Council maintains 10 closed churchyards where maintenance responsibilities have transferred to the Council.
- 7.2 The grounds maintenance of all these sites is carried out in-house by the Direct Services team within Operational Services. Repairs and maintenance to cemetery buildings and to hard landscaping is undertaken in conjunction with the Assets team through its Facilities Management contract held with Derbyshire County Council (DCC). At closed churchyards the Council has responsibility to maintain fences, paths, railings, walls but not the buildings that form part of the church.
- 7.3 The provision of a means to bury the deceased who pass away within the district is a statutory obligation of this Council. With the current efficiency agenda, the Council needs to consider alternative ways of delivering services as efficiently and effectively as possible.
- 7.4 An Internal Audit was conducted in the summer of 2017 on the cemeteries service. This identified that the existing Cemetery Regulations have not been updated for several years. As a result it was recommended they were reviewed to update and standardise them across the Alliance wherever possible.

7.5 This report seeks to advise this committee of the revisions that have taken place as part of this review.

## **8. Revisions to the Regulations**

8.1 A number of minor changes have been made to the proposed regulations for High Peak cemeteries in future, as provided at Appendix A. These include:

- Minor revisions to the times we can accept the last cremated remains burial.
- Burials between Boxing Day and New Year's Day will no longer be taken. Requests for burial bookings on these days are historically infrequent, avoiding burials on these days, when the Council operates on skeleton cover, reduces work pressures on the Direct Services team who undertake grave digging at our cemeteries.
- Telephone burial bookings will not be accepted. For the avoidance of doubt burial bookings should be made in writing via a Notice of Interment, this should be provided by e-mail or in hard copy three working days before the interment is due to occur.
- Evidence of legal title to a grave plot will be required to book a burial when the original grave deeds are not available. Such title to be: Forms of Assignment, Grant of Probate, Grant of Letters of Administration, Form of Assent and/or Statutory Declarations will be necessary, dependant on the circumstances of the deceased and applicant. Previously the Council has accepted a signed indemnity in such situations.
- Those arranging a coffin burial are to arrange for an existing memorial headstone to be removed before the grave can be excavated for a further burial, thus aiding grave digging and reducing the risk of causing damage to the headstone.
- The person (usually a Funeral Director) making the burial booking shall be liable for all fees and charges relating to cemetery services. Prompt payment of an invoice (within 28 days of the invoice date) is also required; this is in line with the Council's standard payment arrangements.
- A reduction in the length of burial rights – this is covered in more detail in section 9 of this report.
- Confirmation of the Council's responsibilities regarding maintenance at closed churchyards.

## **9. Reduction in the length of burial rights**

9.1 Residents of the borough can currently pre-purchase an exclusive right to a burial in a grave plot at one of our cemeteries. This right effectively leases the grave, giving the owner exclusive rights as to who is buried within the grave space for a defined period of time. This is known as an "exclusive right of burial", as a result of such a purchase the owner receives a Grave Deed from the Council confirming this right.

- 9.2 The ownership of the exclusive right of burial and memorialisation of a grave, as confirmed by a Deed of Grant, becomes part of a person's estate. The owner can transfer this right to another party during his/her lifetime by a Deed of Assignment. On the death of the owner, the rules of inheritance apply as modified by the Administration of Estates Act 1925, which gave equal rights to all children of a marriage.
- 9.3 Currently at HPBC the length of the exclusive right of burial of a grave is for a period of 80 years. At Staffordshire Moorlands it is 100 years, although a report recently presented to members recommended that this length be reduced to 50 years. The lengths of burial in use across the country suggest that there has been a marked reduction in the last ten years in the length of burial rights offered. Councils have become increasingly aware that a reduction in right length has the potential to generate income in future years, particularly at a time when cemeteries have become full and no longer generate enough income to cover maintenance costs.
- 9.4 Common rights of burial length are generally between 100 and 30 years, often less for cremated remains graves. A desktop review has been undertaken comparing the exclusive right of burial length of our nearest council neighbours, the results are seen in the table below:

<b>Council</b>	<b>Burial Right length</b>	<b>Extensions</b>
Staffordshire Moorlands DC	100 years	Yes
Chesterfield	50, 75 or 100 years	Yes
Amber Valley	50 years	Yes
North East Derbyshire	50 years	Yes - 10-30 years
Derbyshire Dales DC	100 years	Yes
Kirklees	50 years	Yes
Stockport	75 years	Yes

- 9.5 It is proposed that in line with many of our neighbouring authorities that we reduce the length of exclusive burial right, from 100 years to 50 years across the Alliance. A 50 year length would substantially increase our ability to generate re-purchase income in the future and give us greater flexibility to maintain cemeteries effectively. As noted in the table when a grave plot has not been fully utilised during the period of the Exclusive Rights owners may elect to purchase an extension as standard practice.
- 9.6 This change has no direct cost to the Council, as all costs are covered by the pre purchase fee levied at the time of purchase. It would though have the potential to generate some modest levels of additional income although these benefits will not be seen for many years. This change will give the Council greater flexibility in maintaining its cemeteries in the future, as once grave

rights expire, it has the ability to remove memorials and re-turf graves to ease maintenance.