

CANNOCK CHASE COUNCIL

CABINET

23 JULY 2009.

REPORT OF DIRECTOR OF SERVICE IMPROVEMENT

RESPONSIBLE PORTFOLIO LEADER: HEALTHIER COMMUNITIES & OLDER PEOPLE

BEREAVEMENT SERVICES SERVICE PLAN

KEY DECISION – YES

1. Purpose of Report

- 1.1 To present a review of the operation of Council cemeteries.
- 1.2 To adopt the Bereavement Services Plan, which through its Action Plan identifies costed proposals to develop the service over the next ten years.

2. Recommendations

- 2.1 To agree and adopt the recommendations in Section 4 of the Bereavement Services Plan which details the revisions of the Cemetery Rules and Regulations and Opening times (enclosed).
- 2.2 To approve the Action Plan 2009-2019.
- 2.3 To agree that the estimated funding for years 1-5 of the Action Plan of £81,015.00 is considered as part of the Delivering Change Process in 2010-2011.
- 2.4 To note the identification of burial space at Cannock as an infrastructure requirement within the Local Development Framework Core Strategy and to investigate potential sites for cemeteries or crematoria as part of the Site Specific Allocations development plan document of the Local Development Framework.

3. Conclusions and Reason(s) for the Recommendation(s)

- 3.1 The Local Authority Cemeteries Order (LACO) 1977 empowers the Council to do such things as they consider necessary or desirable for the proper management, regulation and control of cemeteries. In furtherance of that Order the Council made the Cannock Chase District Council Cemeteries Rules which came into force on 1st January 1984. These are now out of date and need to be revised.
- 3.2 The existing regulations provide for: -
 - (a) Methods of burial.
 - (b) Rules for the erection and inscription of memorials.

- (c) The rights of Officiating at Burials.
- (d) Fees and Charges.
- (e) Standards of public behaviour.
- (f) Times of opening.
- (g) Administration.

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Section 1

Background

The Council as a Burial Authority has a duty to ensure that cemeteries are provided that meet the needs of its communities. The current regulations are out of date and need revising. The Bereavement Services Service Plan takes into account the required amendments to the regulations to reflect the future provision of the service.

Section 2

Details of Matters to be Considered

The Bereavement Services Service Plan ratifies a number of changes in the service since the existing regulations were adopted by Council in 1984. These are, changes in demographics, new contractual arrangements, government guidance on the testing of memorials, request from public for new methods of memorialisation and issues around equality and diversity. Currently cemeteries are managed under the Local Government Act 1972. In addition the LACO 1977 requires the council to maintain cemeteries in "good order and repair" and gives the Council power to do such things as considered necessary or desirable for the proper management, regulation and control of Cemeteries.

The fact that there is a shortage of burial space in that part of the District south of the Area of Outstanding Natural Beauty has been identified in the key planning policy document The Core Strategy which has reached the stage of Preferred Options. A preliminary estimate suggests a need for a minimum area of 8 hectares but this could be greater if it was to be a combined cemetery & crematorium. If the Core Strategy, which is due to be adopted in December 2010, confirms this as a key infrastructure requirement a specific site would need to be identified in a later Site Allocations Document.

Section 3

Contribution to CHASE OBJECTIVES

Healthier Communities and Older People – access to well maintained good quality public open space has been shown to have a positive impact on the health of the community. Cemeteries are part of our heritage and therefore we have a duty to maintain them to preserve our local history. We need to promote appreciation of, and commitment to, the wider role of burial grounds in the environment, historical and cultural life of the community.

Environment - improving the quality of our cemeteries will enhance the environment in which we live. Burial grounds are not simply places for the burial of the dead. They provide areas for the living to commemorate those who have died, a focal point to record and appreciate the life of previous generations and as a result an environment offering an open space for human recreation and enjoyment.

Section 4

Financial Implications

Any unfunded expenditure in this report and improvement plan 2009 – 2019 needs to be addressed through either revenue budgets, compensatory savings from other revenue budgets or through the 2010-2011 Delivering Change process.

Section 5

Human Resource Implications

There are none identified within the report

Section 6

Legal Implications

The Council is a burial authority for the purpose of the Local Government Act 1972. The powers and duties of the Council as a burial authority may be summarised as follows: -

- a) to provide, manage and regulate cemeteries
- b) to provide and maintain mortuaries
- c) a duty to arrange for the burial of persons who die within the district where no suitable arrangements for the disposal of the body have been made
- d) to carry out the statutory requirements regarding the registration of burials.
- e) The Local Authorities Cemeteries Order gives the Council the powers outlined in the Report and the cemetery Rules and Regulations are made in furtherance of these powers.

Section 7

Section 17 (Crime Prevention) Implications

There are none identified within the report

Section 8

Human Rights Act Implications

There are none identified within the report

Section 9

Data Protection Act Implications

Although Data Protection does not apply to the dead, the Council has a statutory duty to maintain burial records. As a result of the headstone testing the Council has considerable information about grave deed holders.

Section 10

Risk Management Implications

Three cemetery risks were identified in the risk register. Substandard work carried out by memorial masons, inadequate documents / procedures with regard to reopening graves and loss of hard copy cemetery records due to fire etc. Measures have been put in place to reduce the scores. The action plan identifies a number of risks within years 1 – 5. Four sections of railings at Cannock cemetery are required to secure the boundary between the recreation ground and alongside the gardens in Old Fallow Avenue with its boundary of the cemetery. Existing railings have deteriorated and have gaps, which allow access across the cemetery as a short cut to Cemetery Road. This results in easy access into the cemetery at night, allowing vandalism and theft from graves. Paths in Cannock Cemetery have

been identified red, amber and green according to the degree of disrepair. Failure to repair paths will result in insurance claims against the Council. The clearance of undeveloped land at Stile Cop cemetery will, at the present rate of burial, provide burial provision within the district until 2020. Groundwork's need to be started, trees felled and cleared, roadways extended and ground prepared for future burials as there is only sufficient burial space for 2 years. If this land is not developed, Cannock Chase Council will have no provision for new graves within the district. Path maintenance at Wolseley Road cemetery has been identified as needing repair, failure to carry out repairs will result in insurance claims against the Council.

Section 11

Equality and Diversity Implications

Undertaking Equality and Diversity impact assessments has identified the need for a Muslim section at Stile Cop cemetery.

Section 12

Other Options Considered

LACO does not specifically cover the control of dogs, i.e. dog fouling which is covered separately by The Dogs (Fouling of Land) Act 1996. It is considered appropriate to post notices at this stage but this will be reviewed if the situation regarding dog fouling continues to be an issue.

Recommendations

Section 13

Council agree to the Recommendations in Section 2.0 and note the recommendations from the Healthier Communities and Older Policy Development Committee set out below

- i) Adopt the Bereavement Services Plan including the Action Plan and the Revised Rules and Regulations
- ii) Consider necessary expenditure in the Action Plan as part of the Delivering Change Process
- iii) Continue to investigate new sites for burial space as identified in the last Report to the Previous Health Select Committee. (The need for new burial space at Cannock is also identified as an infrastructure requirement within the Local Development Framework Core Strategy).

Section 14

List of Background Papers

FSR Report February 2002

The Installation, Inspection, Management and Maintenance of Memorials ICCM: 2005

Local Authorities Cemeteries Order 1977

Annexes to the Report

Bereavement Services Plan

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