



Report of Director of Communities and Environment

Report to Executive Board

Date: 13th December 2017

Subject: Environment, Housing and Communities Scrutiny Board Review of Cemetery and Crematoria Horticultural Maintenance Grave Conditions

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Environment, Housing and Communities Scrutiny Board agreed to review the arrangements to enforce grave conditions and how they relate to horticultural maintenance arrangements following issues raised regarding communication and enforcement.
2. The decision to enforce grave conditions on new cemeteries and extensions was made by Executive Board in December 2011 and this is being carried out at the lawned areas established at the Garforth and Guiseley cemetery extensions, the new cemetery at Kippax, and the non-lawned area at Whinmoor Cemetery.
3. Scrutiny board agreed to undertake the review via a working group meeting, following which the scrutiny board formally approved recommendations set out in a summary note at their meeting on 9th October 2017.
4. Scrutiny board recommended that the existing enforcement of grave conditions continue with additional recommendations concerning communication with national bodies and funeral directors. In addition recommendations were made to provide additional notices on graves, supporting 'friends' group formation and volunteering.

Recommendations

Executive Board is recommended to approve the following:

- That grave conditions as approved at Executive Board in December 2011 are supplemented by a notice placed on the grave (as illustrated in paragraph 3.4) with a revised process introduced as set out in paragraph 3.3.
- That national bodies representing funeral directors are approached to encourage funeral directors to effectively outline the implications of each burial option with bereaved families.
- That all local funeral directors are contacted to remind them of the importance of clearly communicating the implications of each burial option.
- That a proposal is brought forward to recruit two additional rangers funded via bereavement services revenue to work with existing volunteers and 'friends of' groups as well as establish new community groups that support practical volunteer activities in cemeteries and crematoria.
- That the Chief Officer Parks and Countryside is responsible for implementing these recommendations which should be in place by April 2018.

1. Purpose of this report

- 1.1 This report considers the recommendations of the Environment, Housing and Communities Scrutiny Board review of cemetery and crematoria horticultural maintenance following their meeting held on 9th October 2017 and sets out proposals on implementation.

2. Background information

- 2.1 The Environment, Housing and Communities Scrutiny Board agreed to undertake a review of the rules and regulations associated with the enforcement of grave conditions and how they relate to horticultural maintenance arrangements. This followed issues raised concerning how grave conditions were being communicated and enforced.
- 2.2 Grave conditions aim to ensure that graves and memorials are laid out consistently and bereaved families can have a choice of purchasing either a lawned or non-lawned area for which different grave conditions apply. In relation to lawned gardens, existing conditions do not permit any encroachment into the grave area (e.g. with ornaments or flowers) which enables a consistent layout and also ensures that horticultural maintenance operations are undertaken in the most efficient and effective manner (flowers/ornaments are allowed on the headstone plinth). In relation to non-lawned areas, authorised kerbstones are allowed to surround the full grave area and planting/ornaments are allowed within the kerb surrounds.
- 2.3 The decision to enforce grave conditions on new cemeteries and extensions was made by Executive Board in December 2011. Following this decision, the enforcement process agreed has been carried out at the lawned areas established at the Garforth and Guiseley cemetery extensions and new cemetery at Kippax, and a non-lawned area that has been applied at Whinmoor Cemetery.
- 2.4 Scrutiny board agreed to undertake the review via a working group meeting that took place on 30th August with all members of the board invited to attend. Following this working group meeting, the Head of Governance and Scrutiny Support presented a summary note and agreed recommendations of this meeting to the scrutiny board. The scrutiny board formally approved the recommendations set out in the summary note at their meeting on 9th October 2017.
- 2.5 The summary note and agreed recommendations are attached to this report as Appendix One.

3. Main issues

- 3.1 The working group considered the following issues which were discussed in depth along with other options to adopt a more flexible approach or even to discontinue lawned areas altogether.
- Ensuring that the implications of selecting a particular grave option are communicated clearly and sensitively to bereaved families from the outset.
 - Appreciating the challenges presented by non-compliance of grave conditions.
 - Ensuring that enforcement measures are transparent and robust.
 - Acknowledging the valuable role of 'friends of' groups.

3.2 The outcome of the discussion along with each scrutiny recommendation is set out in the following table along with a commentary that informs the recommendations to this report.

Desired Outcome	Scrutiny Board Recommendation	Comment
That existing grave conditions are enforced appropriately	1. That the Director of Communities and Environment leads on ensuring that the existing grave conditions, as approved at Executive Board in December 2011, continue to be enforced appropriately.	The existing process for enforcing grave conditions is set out (with plain font) in steps a. to f. in paragraph 3.3 below. This will continue to be enforced subject to the additional action in recommendation 3 below.
That local Funeral Directors are proactive in ensuring that the implications of selecting a particular grave option are being communicated clearly and sensitively to bereaved families from the outset	2. That the Director of Communities and Environment leads on approaching and engaging national organisations, such as the National Federation of Funeral Directors (NFFD) and National Association of Funeral Directors (NAFD), to help engage local Funeral Directors in undertaking a more proactive role in ensuring that the implications of selecting a particular grave option are being communicated clearly and sensitively to bereaved families from the outset.	It is proposed that both of these national bodies are approached and their view sought on finding ways to encourage funeral directors to communicate more effectively with bereaved families the implications of each option for burial. In addition, it is proposed that all local funeral directors are contacted to remind them of the importance of clearly communication the implications of the chosen option.
That notification of enforcement requirements and action is being clearly communicated to grave owners.	3. That the Director of Communities and Environment urgently seeks to introduce additional measures within the Council's enforcement process to help safeguard against relevant grave owners not being clearly notified of such enforcement requirements and any action due to be taken. In particular, consideration should be given to introducing notices on specific graves as a way of notifying all relevant visitors that action is needed.	It is proposed that this recommendation is agreed and the process for enforcement of grave conditions amended as set out below in paragraph 3.3 reference d. in <i>bold italic</i> font. Furthermore it is proposed that the wording used and details of dimensions are as illustrated in paragraph 3.4.
That the valuable role of 'friends of' groups is being proactively promoted and encouraged across all of the Council's cemeteries and crematoria.	4. That the Director of Communities and Environment takes a lead role in working with the Bereavement Service and the Communities Team to explore opportunities for raising the profile of 'friends of' groups and generating greater interest within local communities as well as supporting the establishment of such groups across all of the Council's cemeteries and crematoria.	A proposal will be brought forward to recruit two additional rangers funded via bereavement services revenue to work with existing volunteers and 'friends of' groups as well as establish new community groups that support practical volunteer activities in cemeteries and crematoria.

- 3.3 The key issue considered by the Environment, Housing and Communities Scrutiny Board primarily focusses around the process for enforcement action in respect of grave conditions as agreed at Executive Board in December 2011. Given recommendation 3 above these are proposed to be amended as follows with the addition shown in d. below with a ***bold italic*** font:
- a. Funeral directors ensure that bereaved families sign to agree grave conditions.
 - b. It is acknowledged that the time following bereavement and preparation for a funeral can be very difficult for families, and that the full implications of what they have signed for may not be fully understood. A summary of the rules and regulations are therefore sent out with the grave grant around 1 month after the funeral.
 - c. Following routine inspection if the issues have not been addressed, an informal letter sympathetic to the loss of the bereaved family will be sent to make them aware why they are not meeting the grave conditions, and politely requesting that they take action to put this right.
 - d. Following a subsequent inspection, if this action has not been taken a more formal letter will be issued that includes a copy of the regulations giving the family 1 month to ensure they are met. ***At the same time that this letter is issued a notice will be placed on the grave so that anyone who visits is made aware that action is required.***
 - e. If action is still not taken, a notice of removal will be issued informing the family that any items that do not meet grave conditions will be removed in 1 month and stored awaiting collection.
 - f. Following this action a final letter will be issued informing the family that the items have been removed and that they have 2 months to collect them otherwise the items will be disposed of.
- 3.4 The notice referred to in reference 'd' above (bold italics) is proposed as 165mm wide x 90mm high and illustrated below:



4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 This report is in response to an inquiry report by the Environment, Housing and Communities Scrutiny Board following investigation by a working group set up by the board involving members of the board and the member who was the originator of the scrutiny request.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An equality and diversity / cohesion and integration screen has been completed and is appended to this report. Actions identified are in line with the relevant recommendations to this report.

4.3 Council policies and best council plan

- 4.3.1 The proposals in this report support the Vision for Leeds 2011 to 2030 and in particular the aspiration that 'there are high quality buildings, places and green spaces, which are clean, looked after, and respect the city's heritage, including buildings, parks and the history of our communities' as part of the overall aim that 'all Leeds' communities will be successful'.

4.4 Resources and value for money

- 4.4.1 The enforcement of grave conditions particularly lawned areas enables horticultural maintenance operations to be conducted in a more effective and efficient manner. Placing additional notices on affected graves will have implications for the bereavement service which will be met within existing resources.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The process outlined in paragraph 3.3 does not involve formal legal action. There are no restrictions on access to information presented in this report. The report is subject to call in.

4.6 Risk management

- 4.6.1 There is a risk that specific cases where enforcement action is taken may result in local media interest in support of their case. The enforcement process is however rigorous with an additional control proposed which means that if a member of the bereaved family who is not the grave owner visits the grave they will be made aware that action is being taken.

5. Conclusions

- 5.1 The Environment, Housing and Communities Scrutiny Board have largely upheld the decision by Executive Board in December 2011. This means that the enforcement of grave conditions will continue at the lawned areas for the Garforth and Guiseley cemetery extensions and new cemetery at Kippax, and non-lawned area at Whinmoor Cemetery. The recommendations concerning additional communication with the national bodies and funeral directors, providing additional notices on graves and supporting 'friends' group formation and volunteering are supported in this report.

6. Recommendations

- 6.1 Executive Board is recommended to approve the following:
- That grave conditions as approved at Executive Board in December 2011 are supplemented by a notice placed on the grave (as illustrated in paragraph 3.4) with a revised process introduced as set out in paragraph 3.3.
 - That national bodies representing funeral directors are approached to encourage funeral directors to effectively outline the implications of each burial option with bereaved families.
 - That all local funeral directors are contacted to remind them of the importance of clearly communicating the implications of each burial option.
 - That a proposal is brought forward to recruit two additional rangers funded via bereavement services revenue to work with existing volunteers and 'friends of' groups as well as establish new community groups that support practical volunteer activities in cemeteries and crematoria.
 - That the Chief Officer Parks and Countryside is responsible for implementing these recommendations which should be in place by April 2018.

7. Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.