

Report of Director of City Development

Report to Executive Board

Date: 14 December 2011

**Subject: Scrutiny Board Recommendations - Cemeteries & Crematoria
Horticultural Maintenance**

Are specific electoral Wards affected? If relevant, 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. This report considers the recommendations arising from the Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance.
2. It sets out proposals in the light of recommendations made, with particular reference to recommendation 2 concerning the enforcement of grave conditions on lawned and non-lawned areas in all cemeteries and crematoria.
3. It outlines current rules and regulations that are in place.
4. It proposes an enforcement process which needs to be followed in order to be effective.

Recommendations

5. Executive Board are requested to note the contents of the above report and approve the following:
 - § That grave conditions are enforced on cemetery extensions and new cemeteries, following consultation on a site by site basis to determine the proportion of lawned and non-lawned areas;
 - § The enforcement process set out in paragraph 3.5 which will take account of any specific faith issues that may be applicable when imposing grave conditions;
 - § The provision of a designated area for memorials to be placed in strewing areas as illustrated in Appendix 1 – 3(a).

1 Purpose of this report

- 1.1 This report considers the recommendations arising from the Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance' and set out proposals in the light of recommendations made, with particular reference to recommendation 2.

2 Background information

- 2.1 At the Executive Board meeting on 18th May, the Head of Scrutiny and Member Development submitted a report providing a summary of the responses to the recommendations arising from Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance'. The recommendations, in summary were as follows:
- § Recommendation 1: to encourage the establishment of 'friends of' groups at all the Council's cemeteries and crematoria
 - § Recommendation 2: to enforce the grave conditions on lawned and non-lawned areas in all cemeteries and crematoria managed by the Council in order to reduce maintenance costs
 - § Recommendation 3: the introduction of suitable stand/display boards in designated areas, in the strewing lawns for people to place flowers and tributes on
- 2.2 Recommendation 1 and 3 were agreed, however with regard to recommendation 2, the Directorate view is that implementing this recommendation in full would present difficulties on grave plots already in place. A retrospective approach is therefore not considered practical due to difficulties associated with enforcement. A preferable solution would be to enforce current conditions on cemetery extensions and new cemeteries. This would be implemented on a site by site basis following consultation to determine the proportion of lawned and non-lawned areas to meet the sensitivities of the local community and faith groups.

3 Main issues

- 3.1 Leeds City Council has grave conditions for both lawned and non-lawned garden areas in cemeteries. The non-lawned grave conditions were introduced some time ago following publicity arising from attempts to enforce lawn garden conditions on existing cemeteries, and these account for the majority of cemeteries. The Council still tries to enforce lawned garden regulations on the new extensions to the cemeteries at Garforth and Guiseley.
- 3.2 These rules and regulations are in place to ensure that graves and memorials are laid out consistently. The key difference in conditions is that in non-lawned areas, kerbstones are allowed to surround the full grave area and planting is allowed within the kerb surrounds. Lawned gardens enable a consistent lay out and ensure that horticultural maintenance operations are undertaken in the most efficient and effective manner.

- 3.3 All the core cities have been approached with regard to their approach to enforcing regulations concerning graves. Nottingham, Bristol and Sheffield have no form of regulation as they take the view that they would be disregarded by the public. Whilst lawn garden rules exist in Liverpool and Newcastle they are also generally disregarded. In Birmingham regulations are under review, and Manchester are implementing regulations on new cemeteries and extensions, where they are undertaking a robust approach to enforcement. It is therefore true to state that in general regulations governing graves are not enforced by most core cities, although some Authorities are trying to enforce the rules in new extensions.
- 3.4 Issue 2(a) contained in Appendix 1 illustrates the particular difficulties of attempting to carry out enforcement in areas which otherwise could be lawned. An enforcement approach is therefore proposed on cemetery extensions and new cemeteries.
- 3.5 The following process is outlined based on the current approach in order to ensure that these conditions are met, for which it is important that each step is undertaken in every case for enforcement action to be effective. It should be noted that due account will be taken of any specific faith issues when imposing grave conditions.
- 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.
 - 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.
- 3.6 This enforcement approach would also help address recommendation 3 where memorials have been erected that are of a permanent nature on strewing areas. These are illustrated in Appendix 1, 1(b) and 1(c). Furthermore, Appendix 1, solution 3(a) illustrates how a suitable designated area could be provided for memorials to be placed by bereaved families, or relocated by staff if they are not placed there in the first place. This would also meet recommendation 3 of the scrutiny inquiry. Solution 3(b) illustrates that if grave conditions are abided by it is much easier to gain access to larger grass cutting machinery.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report is in response to an inquiry report by Scrutiny Board (City Development) following investigation by a working group set up by the board involving Members and a representative from the Friends of Guiseley Cemetery.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality and Diversity, Cohesion and Integration (EDCI) impact assessment has been carried out following completion of an EDCI screening form. No adverse affects were identified to any specific group, other than a general perception that people could feel that they are being unfairly treated as a more proactive approach will be taken on enforcement of certain areas. An action was therefore identified to communicate the approach and enforcement policy at specific sites affected to service users in addition to information already provided during funeral arrangements.

4.3 Council Policies and City Priorities

- 4.3.1 There are no implications for Council policy and governance.

4.4 Resources and Value for Money

- 4.4.1 There are resource implications to establish designated areas within strewing grounds which will be met by existing revenue budgets.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 It is not proposed that legal action will be taken as part of the proposed process in paragraph 3.5. 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 The key risk for the Council is the potential damage to reputation that could arise should there be a high profile or sustained campaign by the local media in support of bereaved families following enforcement activity. However, the recommendation is to conduct the enforcement approach on new graves within existing cemeteries (but not re-opened graves), cemetery extensions and new cemeteries. This is therefore likely to mitigate the impact of any public outcry that could arise should recommendation 2 outlined in 2.1 above be implemented in full. It should also be noted that there are positive benefits of undertaking the action recommended in this report, as where enforcement is effective the maintenance of these sites should be improved.

5 Recommendations

- 5.1 Executive Board are requested to note the contents of the above report and approve the following:
- § That grave conditions are enforced on cemetery extensions and new cemeteries, following consultation on a site by site basis to determine the proportion of lawned and non-lawned areas;
 - § The enforcement process set out in paragraph 3.5 which will take account of any specific faith issues that may be applicable when imposing grave conditions;
 - § The provision of a designated area for memorials to be placed in strewing areas as illustrated in Appendix 1 – 3(a).

6 Background documents

- 6.1 Scrutiny Inquiry Report – Cemeteries and Crematoria Horticultural Maintenance. Scrutiny Board (City Development) May 2011.
- 6.2 Equality, diversity, cohesion and integration impact assessment.

Appendix 1: Issues and Potential Solutions