

Subject:	Introduction of charges for permits for kerbstones in cemeteries	Status:	For Publication
Report to:	Full Council	Date:	5 th October 2022
Report of:	Director of Communities	Lead member:	Environment and Corporate Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes/No	Attached: Yes/No
Biodiversity Impact Assessment:	Required:	Yes/No	Attached: Yes/No
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1. RECOMMENDATIONS

- 1.1 That Council approve the introduction of a £595 permit charge for kerbstones on graves at all four council owned cemeteries.
- 1.2 That Council approves amendment to the Council's Rules and Regulations relating to Cemeteries and the Memorials on Graves Guidance document to reflect the introduction of the kerbstone permit, the wording of such amendments to be delegated the Director of Communities in consultation with the Lead Member.

2. EXECUTIVE SUMMARY

- Current regulations do not permit any kerbstones beyond 18 inches in front of the headstone to be installed.
- Bereaved families have had these installed without permission in the past.
- Neighbouring authorities do allow for kerbs but charge for a permit to do so. This ensures that the Council can authorise the quality of the installation and also remove those installations that are not permitted.
- The charging for the permit will ensure that the Council has high quality installations and will cover costs associated with authorisation and increased maintenance.
- It is proposed to introduce the permit scheme for all burials after 1st January 2023 and it will not apply retrospectively.

3. BACKGROUND

- 3.1 Current cemetery rules and regulations prevent the installation of kerbstones at graves in Rossendale. Many families have however installed kerbstones without permission and it has proven difficult to have them removed. It is considered better for residents to be given the opportunity to have a kerbstone but to cover the cost incurred by the Council as a result. This system has proven effective at neighbouring authorities.

4. DETAILS

- 4.1 There are currently an estimated 100 existing kerbs at Haslingden Cemetery, 60 at Whitworth, 50 at Bacup and 60 at Rawtenstall Cemetery. Each year, the Council's Bereavement Officer receives approximately 30 requests for kerbstones on graves. The Council's current regulations prevent the installation of kerbstones beyond 18 inches of the grave, although there is demand for kerbstones that surround the whole grave area.
- 4.2 The Council's refusal can lead to families having them installed regardless and enforcing removal without the option to retain them can be perceived as insensitive. There is also an

issue regarding the quality of the installations which can be variable and affect the quality of the cemetery as a whole.

- 4.3 The introduction of a permit would give the Council an opportunity to ensure that the workmanship is of a required standard and provide a clearer procedure that gives families an option other than removal. To qualify for a permit, the memorial mason must adhere to standards set out by The National Association of Memorial Masons (NAMM), and comply with current BS8415 guidelines. This dictates the method of installation, including foundations and how the kerbs and headstones are fixed to the foundation in order to ensure the structures are sturdy and ultimately safe.
- 4.4 In setting a charge for the permit, officers have examined the costs associated with managing the application process and the monitoring of the installation as well as the additional maintenance costs associated with working around kerbstones. Officers have also compared the proposed charge with other authorities. These are as follows:

Bury Council- £572

Bolton Council- £610

Pendle Council- £609

Hyndburn Council- £600

Blackburn with Darwen Council- £200

Burnley Council- £158

- 4.5 Taking all the relevant information into account, it is proposed that Rossendale Council introduces a charge of £595 for kerbstones installed by a qualified stonemason. Based on approximate requests received each year by the Bereavement Officer this could lead to additional income of £17,850 which will contribute towards the increased costs incurred by the Council.
- 4.6 It is proposed that the Rules and Regulations and Memorial on Graves Guidance shall be amended together with detailed procedures and clear public and stakeholder information be produced and agreed with the Lead Member for Operations and Corporate Services prior to the introduction of the new charge from January 1st 2023.

5. RISK

- 5.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to act will lead to further unauthorised kerbstones appearing in cemeteries resulting in further deterioration of the cemetery's appearance and posing health and safety risks.
 - Unauthorised kerbstones create resentment from families that have had official requests previously declined.

6. FINANCE

- 6.1 The proposed charge of £595 will cover the additional costs the Council incurs associated with working around the kerbstones, with any remaining surplus contributing towards the funding gap in the Councils Medium Term Financial Strategy.

7. LEGAL

- 7.1 Under The Local Authorities' Cemeteries 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 may grant on such terms and conditions as are reasonable the right to place

and maintain a memorial. It also has the right to remove unauthorised memorials and recover the costs of doing so.

- 7.2 If members are minded to approve the introduction of the charge, the cemetery rules, regulations and guidance relating to memorials will require amendment to reflect the Council's updated position.
- 7.3 Appropriate management and enforcement of the rules and regulations will reduce the risk of legal challenges and claims against the Council.

8. POLICY AND EQUALITIES IMPLICATIONS

An initial equality assessment has been undertaken and it has been identified there are no disproportional impact and a full impact assessment is not required

9. REASON FOR DECISION

- 9.1 The introduction of a permit charge for kerbstones will help to ensure that families do have the option of having a kerbstone installation, but will ensure that it will be of high quality. The charge for the kerbstone permit will ensure that funding is in place to manage the scheme effectively, with any surplus contributing towards the funding gap in the Councils Medium Term Financial Strategy.