

Subject: Memorials (on a Grave) -
Implementation of Cemetery Rules and
Regulations 2008

Status: For Publication

Report to: Policy Overview and Scrutiny

Date: 9th November 2010

Cabinet

February 2011

Report of: Operations Manager

Portfolio

Holder: Environment

Key Decision: Yes / No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

1.1 To give members information around the current issues faced with enforcing the current Cemetery Rules and Regulations, in particular those in relation to memorials located on a grave, and to set out some options for consideration. Also to agree the procedure for implementing / enforcing the cemetery rules and regulations.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering Quality Services to our Customers
- Keeping our Borough Clean, Green and Safe
- Providing Value for Money Services

3. RISK ASSESSMENT IMPLICATIONS

3.1 The reputation of Rossendale Borough Council (RBC) could be damaged if this policy is seen to be implemented in a non customer focused way. This has been mitigated by carrying out consultation with service users, funeral directors, memorial masons and staff.

3.2 Increased expenditure may be incurred by RBC if it adopts an alternative policy with regard to cemetery management. A range of alternative options are provided along with implications.

4. BACKGROUND

4.1 Rossendale Borough Council introduced new cemetery rules and regulations following their agreement at Cabinet on 19th March 2008. These revised cemetery rules and regulations (conditions) were produced after lengthy consultation process with undertakers, funeral directors and memorial masons. A summary of this consultation is detailed at Appendix A.

4.2 These new conditions were introduced to mitigate the problems caused by various memorials, including kerbstones and edgings, being placed on graves. Kerbstones, edgings and other trinkets can cut across access routes in cemeteries and therefore:

- prohibit access for some visitors with disabilities;
- present a trip hazard for visitors using the routes;
- lengthen internment process whilst the plot owners are contacted to arrange the removal of the additional memorials prior to excavation (removal of additional memorials can increase the excavation time from 2 hours to 8 hours);
- prevent the safe storage of spoil removed from excavation as soil has to be stored adjacent to the excavated plots and this is impossible where there are kerbstones, fences and other additional memorials;
- restrict access for the plant used to excavate graves; and
- restrict efficient maintenance of the cemetery as staff are unable to make a single pass up and down the plots with the grass mowers.

4.3 The new conditions recognise that there was not a consistent approach to erecting memorials in the past, i.e. some memorials did not conform to the dimensions detailed in the previous conditions, and some memorials were placed legitimately at the time, but wouldn't conform to the new conditions.

4.4 In these circumstances, the Council chose not to impose the conditions retrospectively but reserved the right to remove the extended memorials at any time, should these cause a problem to the management and maintenance of the Cemetery.

4.5 All new customers and those applying to open existing graves, receive a copy of the new conditions. In addition, temporary notices have been erected in the cemeteries, to let existing grave owners know about them.

4.6 However, there have been recent breaches of the rules and regulations and attempts to enforce these have been met with various responses.

4.7 Enforcement has mainly been via the issuing of a letter to the grave owner and whilst some people have removed additional memorial items when requested, others have not and some have contacted the local newspaper due to their disagreement with the conditions requested.

- 4.8 Clearly some grave owners still wish to decorate graves with additional memorials and requesting them to remove these has caused various degrees of upset in some cases. Therefore, some alternative approaches have been discussed and are summarised below for the consideration of members.
- 4.9 Consideration has been given to the approach of neighbouring Local Authorities, which can be summarised into the following:
- Adopt a hard line approach and enforce the policy in all cases;
 - Allocate areas not on graves specifically for these types of memorials; or
 - Allow the additional memorials on the graves, but do not maintain those plots where they have been installed.

A summary of the responses can be found at Appendix B.

- 4.10 Consultation has also been carried out with cemetery staff and is attached at Appendix C.
- 4.11 As a result of previously discussing this report and the issues within it at Policy Overview and Scrutiny Committee in June 2010 there has been further extended one to one consultation with funeral directors, undertakers and memorial masons. This consultation was to establish the most practical method of ensuring customers are aware of key items within the cemetery rules and regulations (regarding memorials on graves) at the earliest opportunity so that they can make an informed decision if to use Rossendale Borough Councils cemetery and burial service. Included in this consultation has been the revised interment form (attached as Appendix D).
- 4.12 Also as recommended by Policy Overview and Scrutiny Committee there has been the development of a bereavement services pack currently in draft format. This pack aims to be a more customer friendly way of informing customers about the key messages within the cemetery rules and regulation (Draft text and format examples for discussion are attached as Appendix E).

4.13 Options for consideration:

- 4.13.1 Enforce the existing cemetery rules and regulations (which allow additional memorials to be placed on a small area in front of memorial stone) for all existing and new graves. This could include giving grave owners a set time to enable them to remove the additional memorials, but would entail staff physically removing items where grave owners had refused to do so, which is likely to lead to conflict and customer dissatisfaction in those cases; however, this would be an equitable approach.
- 4.13.2 Enforce the existing cemetery rules and regulations for new graves only. As above, grave owners could be given time to remove memorials but staff would have to physically remove items where grave owners had refused to do so.

The issues set out at 4.2 will remain for existing graves with additional memorials. In addition, it is likely that there will continue to be breaches which would lead to conflict and customer dissatisfaction, and new grave owners will feel aggrieved at the inequitable application of the conditions.

- 4.13.3 As at 4.11.2 but also for those graves which are re-opened for further internments. Additional memorials would be removed at the time of re-opening and grave owners would not be able to replace them.
- 4.13.4 Enforce the existing cemetery rules and regulations for all graves as per 4.11.1, but provide areas not on graves specifically for these kinds of memorials. These could take a similar form to ashes gardens where plots are purchased specifically for additional memorials.
- 4.13.5 As above, but for new graves only. Implications for customer satisfaction would be similar to 4.11.2.
- 4.13.6 Do not intervene and thus allow any form of kerb, railings, ornaments or planting to be installed despite the rules and regulations, and do not maintain those sites. Continue to issue the latest conditions to new grave owners and hope the majority will comply. In this case, the issues set out at 4.2 will remain in relation to those plots where there is non-compliance. In addition, these issues would be exacerbated by the lack of maintenance of the plots concerned which would also have a detrimental effect on the aesthetics of the cemetery, which may lead to customer complaints.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 In acknowledging the sensitivity of the report and its various options, there will be financial implications (either positive or negative) as a result of final Member recommendations. The financial implications are not however quantified within the report.

6. MONITORING OFFICER

- 6.1 The Council cannot avoid liability for death or personal injury which may result from hazards on land which they manage. Non enforcement of the cemetery rules and regulations or failure to maintain adequately would pose a risk of legal claims against the Council.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No HR implications.

8.0 CONCLUSION

- 8.1 Unauthorised memorials cause a problem to the safe and efficient use and maintenance of municipal cemeteries for a number of reasons.

- 8.2 The issue of additional memorials is clearly emotive and one that needs to be approached with caution. Should RBC wish to consult with stakeholders this needs careful consideration.
- 8.3 Rossendale has attempted to enforce its policy on unauthorised memorials with limited success on a number of occasions; it is likely that any additional enforcement, without any real commitment will experience the same limited success.

9. RECOMMENDATION(S)

- 9.1 That members of the Policy Overview and Scrutiny Committee consider the options as set out at 4.11 and recommend an approach to be adopted; or
- 9.2 That members of the Policy Overview and Scrutiny Committee recommend a completely different approach to the options as set out at 4.11.

Please note that Policy Overview and Scrutiny Committee held in June 2010 expressed preference for option 4.11.2 with 4.11.3 if accompanied by a revised interment form and bereavement services pack, with a defined date for commencing enforcement.

10. CONSULTATION CARRIED OUT

- 10.1 Consultation with stakeholders is detailed in the attached appendices.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes, to follow

Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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No background papers