

AGENDA ITEM

REPORT TO CABINET

12 JULY 2018

**REPORT OF PLACE
SELECT COMMITTEE**

CABINET DECISION

Lead Cabinet Member – Environment & Transport – Councillor Mike Smith

SCRUTINY REVIEW OF MANAGEMENT OF MEMORIALS

1. Summary

The attached report presents the outcomes of the Place Select Committee's review of Management of Memorials.

2. Recommendations

The Committee recommend that:

- 1) There be a continuation of the current Grave Personalisation Policy (GPP) (incorporating the 'soft' enforcement approach) in the five existing Borough cemeteries.
- 2) Further work with memorial masons be undertaken to emphasise the problems with unauthorised professionally-fixed kerb sets and the impact of these on all cemetery-users, and for appropriate action to be taken against masons who knowingly sell items which are not approved or permitted in the Borough's cemeteries.
- 3) A separate, distinct policy be adopted for the offer of different grave types, initially in the new Durham Road cemetery extension (to operate in tandem with the current GPP), and for this to be effectively communicated to all cemetery-users before, and robustly enforced following, implementation. This would require:
 - a) a thorough programme of awareness-raising across the Borough to inform relevant organisations within the funeral industry (e.g. funeral directors, memorial masons, North Tees Mortuary & Bereavement Team) and the public of these plans.
 - b) the Registrars of Births and Deaths to work in partnership with the Bereavement Team. Registrars, following the registration of the death, to advise an informant who is choosing burial of the burial options available to them, thus allowing the family to be aware of what options are available to them prior to meeting with their chosen funeral director / funeral organiser.
 - c) exploring the potential of widening the colour choice for the grave collars.
 - d) an evaluation of the grave collar concept to be provided to the Place Select Committee prior to any potential further roll-out in other extensions to existing or new Borough cemeteries.

4) Communication takes place with relevant local media outlets regarding the GPP (current and for the new concept), and the challenges to the Council around grave personalisation, in order to avoid future misrepresentation of situations.

3. Reasons for the Recommendation(s)/Decision(s)

The report presents the findings of the scrutiny review of Management of Memorials which was part of the 2017-2018 scrutiny work programme, and continued into 2018-2019.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code).

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code).

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SUMMARY

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RECOMMENDATIONS

The Committee recommend that:

- 1) There be a continuation of the current Grave Personalisation Policy (GPP) (incorporating the 'soft' enforcement approach) in the five existing Borough cemeteries.
- 2) Further work with memorial masons be undertaken to emphasise the problems with unauthorised professionally-fixed kerb sets and the impact of these on all cemetery-users, and for appropriate action to be taken against masons who knowingly sell items which are not approved or permitted in the Borough's cemeteries.
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 - c) exploring the potential of widening the colour choice for the grave collars.
 - d) an evaluation of the grave collar concept to be provided to the Place Select Committee prior to any potential further roll-out in other extensions to existing or new Borough cemeteries.

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DETAIL

1. Stockton Council ceased approval of fixed, permanent kerb-sets on all graves in 1969 following the adoption of the then much preferred lawn graves, where no items were permitted to be placed on the actual grassed part of the grave. Approximately 15 years ago, however, the Council recognised that some families needed to tend and care for their family graves by the placing of personal items, which reflected the personality and character of their loved ones. The Council also acknowledged and fully understood its duties under health and safety legislation to ensure that neither its own employees, nor the public, were exposed to risk from potentially dangerous memorials when visiting the Borough's cemeteries and closed churchyards.
2. In 2007, the Environment Select Committee carried out an extensive review of the Management of Memorials which made recommendations to improve memorial safety inspections on existing headstones, introduce robust control measures over memorial masons, and initiate checks on new headstones at point of installation. The Committee also recommended extending the Council's Cemetery Regulations to allow personalisation of purchased graves by appropriate planting of an area at the head of the grave no larger than 25% of the grassed area, with guidance being drawn up. During the review, the Committee consulted extensively with cemetery staff, cemetery visitors, funeral directors, monumental masons and faith groups.
3. The new policy was implemented in a sensitive way over a five-year period. Since the introduction of Council policy, however, it has yet to be assessed / scrutinised for how it is being managed, how it is being received by bereaved families, visitors and cemetery-users, and whether any amendments or additional choices are required to meet with public opinion.
4. Whilst the inspection and safety of memorials and control measures for memorial masons within cemeteries has greatly improved since the introduction of the Council policy, criticism of maintenance and access (particularly for the excavation of graves), together with the Council's approach to the 'light touch' enforcement of non-compliance cases to the Grave Personalisation Policy, both for and against, is still being received. Bereaved families, particularly recently bereaved, can become extremely distressed and emotional when they are unable (or feel they are unable) to personalise and memorialise their family grave in their own special way. Likewise, those families who have chosen a lawn grave and whose preference is to have an orderly, tidy and well-maintained grave for their loved one feel this is jeopardised and penalised by the fact that the Council is not fully enforcing the policy.
5. This short review therefore sought to:
 - Understand the current policy around grave personalisation, maintenance of cemeteries and access requirements for such sites.
 - Ascertain how the Council communicates with bereaved families in terms of current policy, and how it manages complaints.
 - Establish how effective the current policy is and determine if any amendments are required.
6. The Committee received evidence from Registration and Bereavement Services / Community Services, incorporating feedback from cemeteries maintenance staff (including the Council's Cemeteries Superintendent).

COMMUNITY IMPACT IMPLICATIONS

7. This report is not subject to an Impact Assessment.

FINANCIAL IMPLICATIONS

8. Direct costs are anticipated as being limited as the majority of requirements will be internal resource staff time and general administration costs only. Products sold will be cost-neutral to the Local Authority.

LEGAL IMPLICATIONS

9. By virtue of Section 214 of the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977 (LACO), the Order sets of the general parameters under which municipal cemeteries operate. The Order allows considerable management discretion and regulates matters such as:
 - Grant of exclusive burial rights, rights to erect memorials and agreements for maintenance of graves and memorials.
 - Fees and other charges.
 - Maintenance, including removal of memorials.
 - Offences and penalties.

RISK ASSESSMENT

10. This review is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

11. The review supports the following Council policy principles:
 - Developing strong and healthy communities: development and delivery of the Council's Environmental Policy and strategies that contributed to the overall Green Vision.

CORPORATE PARENTING IMPLICATIONS

12. There are no direct implications in the report.

CONSULTATION INCLUDING WARD/COUNCILLORS

13. The Committee have received evidence as set out in the final report of the Place Select Committee.

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Education related?: No

Background Papers: None

Ward(s) and Ward Councillors: n/a

Property: Borough Cemeteries and future extensions to existing sites.