

Cabinet Advisory Committee	
Meeting Date	20 th October 2021
Report Title	Swale Cemetery Regulations 2021
Cabinet Member	Cllr Julian Saunders, Cabinet Member for Environment
SMT Lead	Emma Wiggins, Director of Regeneration
Head of Service	Martyn Cassell – Head of Environment & Leisure
Lead Officer	Jay Jenkins/Kerrie Houghting
Key Decision	Yes
Classification	Open
Recommendations	1. To note the report and the proposed regulations.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to seek Member input on the proposed Cemetery Regulations. Managing cemeteries brings with it an element of risk for the general public whilst visiting and this looks to establish the rules to encourage a safer and pleasant environment for all to enjoy.
- 1.2 The regulations cover the Council owned cemeteries throughout the Borough. As the landowner, the Council has responsibilities under both civil and criminal law in terms of health and safety whilst also addressing the needs of grave owners dealing with their bereavement and visitors enjoying the facilities.

2 Background

- 2.1 There is no statutory duty on a local authority to provide burial facilities but where they do then the management is governed by the Local Authority Cemeteries Order (LACO) 1977. Burial authorities are given the power to provide cemeteries by virtue of the Local Government Act 1972.
- 2.2 LACO 1977 gives burial authorities wide ranging powers of management to do what is considered necessary or desirable for the management, regulation and control of the cemeteries. We also have an obligation to keep the cemeteries in good order and repair from a safety element whilst maintaining records, plans, issuing deeds, etc.
- 2.3 The Council currently has a very out of date set of regulations that are not fully fit for purpose in helping to create a pleasant environment with the ease of maintenance. It is also necessary to consider the emotional aspect of this service whilst providing these facilities. A set of regulations enables us to help facilitate better provision, operation, administration and management to achieve the standards expected by the bereaved and the wider community for this service.

- 2.4 The current set of regulations that we work to were approved and adopted by the Council on 12th July 1995 so it has been necessary to review these, updating them and bringing in line with changes to industry standards and our local experiences and knowledge.
- 2.5 The Institute of Cemetery & Crematorium Management (ICCM) were involved in this review, offering their advice on the standards of service expected for the industry. They were founded in 1913 to provide policy and best practice guidance to Burial and Cremation authorities with the aim to raise standards for bereaved through promotion, education and training.
- 2.6 Some of the key changes to bring to the attention of Members are the introduction of clauses to help deal with items considered to be unsafe being left on graves ie alcohol, balloons, etc. to assist us with the control of anti-social behaviour such as persons creating a disturbance, playing games and drug taking. It also brings reference to the Public Spaces Protection Order 2020 in relation to dogs in the cemeteries.
- 2.7 These regulations help to clarify the process for booking a burial and when to notify us of extras such as horses, large congregations, large coffins. It introduces more safety legislation for memorial installations but gives them more choice as to who they should be registered with. It updates the office details as the District Offices have closed since the last version and a main point is that it brings in Iwade Cemetery which has recently opened. Some of the guidance for this site differs to others and we have tried to capture this in the regulations as we will need to be stricter for this new site.
- 2.8 We understand that cemetery users may have expectations of the historic regulations and we plan to work with Funeral Directors and grave owners to advise of any changes that need implementing from these amended regulations. We will also publish the document on our website to communicate the information and to refer the public to as necessary. It will be a joint effort of those mentioned to be able to implement and enforce on these rules so no additional resource necessary. Having clear guidance will make this task easier for all.
- 2.9 We may need to improve the signage to emphasize any of the rules on site.

3 Proposals

- 3.1 To note the report and the proposed regulations and seek views of the advisory committee before they are adopted and implemented.

4 Alternative Options

- 4.1 It could be considered to have different regulations for each cemetery but the issues that are being addressed could occur at any of the sites. Consistency across the Borough will stop any confusion and permissions. However, it has been necessary to add some additional information for Iwade Cemetery as this

new site does not offer all the options for grave types and there is a different specification for the memorials.

- 4.2 The option to do nothing and keep the existing regulations would mean that we would continue to operate using an out of date version of rules. This is not recommended as we would struggle to officially deal with some of the issues that have arisen over the years which we have tried to address as part of the changes. The regulations will help us to guide and enforce on some of these problems. It is also necessary to bring in reference to the new site and changes in the industry.

5 Consultation Undertaken or Proposed

- 5.1 As part of this process, we have consulted with the ICCM on a number of occasions to ensure we are working in line with recommended good practice and offering a service that is fit for the needs of the bereaved.
- 5.2 The review has taken place factoring in issues that have occurred over the last few years and have been discussed with various Managers so there has been internal consultation at a number of levels.
- 5.3 Some further advice has been taken from Specialists on particular items, but consultation has not taken place with the public yet. Following discussion at Cabinet Advisory Committee then our Grounds Contractors, Funeral Directors and Memorial Masons will be involved.

6 Implications

Issue	Implications
Corporate Plan	The regulations support a number of Corporate Plan objectives especially within the priority 'Investing in our environment and responding positively to global challenge'.
Financial, Resource and Property	<p>The cemeteries are maintained under the Grounds Maintenance contract with their staff on site for burials and contractual obligations. In addition to this, the Green Spaces team are involved in monitoring the sites and burial administration is carried out by the Service Delivery team.</p> <p>The creation of the Regulations has no direct financial implications. However effective management of the cemeteries will ensure that costs for providing burial services can be kept as reasonable as possible for residents of the Borough. Some expenditure on advertising the regulations may be required but can be covered within existing revenue budgets.</p>

Legal, Statutory and Procurement	<p>Cemeteries are governed by the recommendations of the Local Authorities Cemeteries Order 1977 and powers are given under the Local Government Act 1972.</p> <p>In addition to this, for Civil and Criminal law there is a requirement to take responsibility for Health and Safety and a duty of care to visitors.</p>
Crime and Disorder	<p>The regulations look to incorporate Anti-Social Behaviour elements giving the powers to ask people to leave the cemetery if under the influence or causing a disturbance with subsequent legal action if necessary.</p>
Environment and Climate/Ecological Emergency	<p>The regulations look to reduce the type and amount of permitted commemorative items on graves. These can have an impact on wildlife and the environment. The effective maintenance of the site under the grounds maintenance contract will also look to promote biodiversity.</p>
Health and Wellbeing	<p>It is important that we provide residents with a range of options to remember those they have lost. Having a pleasant environment will help to improve the wellbeing of visitors. Clearer details will also give the bereaved better guidance at a time when they may be struggling with taking in the information and making clear decisions, so this should reduce the stress of the process.</p>
Safeguarding of Children, Young People and Vulnerable Adults	<p>The regulations state that children under 14 should be accompanied by a responsible adult. It also says that children should not be allowed to climb trees, memorials, etc for their own safety. Vulnerable adults are not addressed specifically in this document.</p>
Risk Management and Health and Safety	<p>Getting those who enter our cemeteries for work, pleasure or to visit the graves of loved ones to follow our guidance on what they can and can't do will help to minimise the risks on site.</p> <p>The risk for Health and Safety should be greatly improved.</p>
Equality and Diversity	<p>This process has been to update the previous regulations with recommended good practices for cemeteries. It tries to be as fair as possible to all and not to discriminate in any way.</p> <p>For the development of our new cemetery at Iwade we have considered religion as part of this process and worked with the local Muslim community to introduce a small section specifically to meet their needs.</p> <p>Unfortunately, due to the nature of these old sites, accessibility may be more difficult for the disabled but we will always try to work with them to assist if we are notified of any issues.</p>
Privacy and Data Protection	<p>We have systems in place to cover the holding of personal data in relation to burial information.</p>

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Cemetery Regulations – version October 2021

8 Background Papers

8.1 None.