REPORT ON CEOMETRIES

Report OSB/13/05 to the Executive on 13th September 2005

Adopted by the Overview and Scrutiny Board on 1st September 2005
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Further copies of this report can be obtained from:

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Foreword

The provision of cemeteries and crematoria is widely recognized as a vital service provided by the Council. In making recommendations, the panel has been acutely aware of the sensitivity of the issues.

The Review Panel was established to investigate a number of issues in relation to the way in which the cemeteries and crematorium are managed. Consideration was also given to future burial provision in the light of the limited space available at Torquay Cemetery.

Throughout the process the Panel invited input from a number of interested parties including funeral directors, memorial masons and local faith groups. Members of the public were also invited to give their comments on future provision through articles in the media and information on the Council’s website. Whilst the Panel received input from members of the public, unfortunately we did not receive correspondence from some key stakeholder groups.

It is hoped that this report will help guide the Council in making various strategic decisions in connection with the future provision and management of the cemeteries and crematorium.

We would also like to express our appreciation to the members of the public who gave their comments on future provision and to Democratic Services for all their help given to produce this report.

Councillor Roger Stringer
Chairman of the Cemeteries Review Panel
1. Executive Summary

1.1 The Review Panel undertook this review to ensure that Torbay Council had in place appropriate measures to secure future service delivery in relation to cemeteries and crematorium, which reflect the needs of the local people of Torbay.

1.2 It examined the provision currently operated and maintained by the Council and sought the views of local people on the type of burial and memorial facilities and the location of such facilities they would like to be provided.

1.3 The Panel undertook consultation to ascertain the views of the public, funeral directors, memorial masons and faith groups in relation to the current service provision and their suggestions about how the Council could improve the service.

It is recommended to the Executive:

1.4 That the Council supports Torbay Coast and Countryside Trust in their development of a green burial site within the confines of the new Conqueror Wood.

1.5 That the Assistant Director (Environmental Health and Consumer Protection) be requested to approach Teignbridge District Council to ascertain whether they would be interested in entering into a partnership arrangement for future burials.

1.6 That the Department for Environment, Food and Rural Affairs be advised that this Council intends to install appropriate mercury abatement equipment to the crematorium by 2012 in order to reduce mercury emissions by 50%.

1.7 That the Assistant Director (Environmental Health and Consumer Protection) be authorised to invite tenders from management companies to enter into a partnership agreement with the Council for the management and maintenance of the cemeteries and crematorium.

1.8 That a clause be included in the partnership agreement to ensure that fees and charges may not be increased without the prior approval of the Council.
1.9 That the management company be encouraged to provide a wider range of memorials to give people more choice in the way in which they can remember their friends and relatives.

1.10 That two representatives from the Cemeteries Review Panel be nominated to serve on the tender evaluation panel.

1.11 That consideration in relation to the possible development of a new cemetery site be deferred for further investigation within a period of not more than 12 months.

It has been agreed by the Overview and Scrutiny Board:

1.12 That the Overview and Scrutiny Board be requested to monitor the work of the management company to ensure that it provides an efficient and reliable service which reflects the needs of local people.
2. **Introduction**

2.1 Historically burial was the responsibility of the Church and was provided for in churchyards, normally adjacent to the parish church which also provided the focus for Christian worship for the local community. This changed because many of the old churchyards became full and there was an increase in demand for burial land which was not controlled by the Church of England. As a result many burial places were provided by local authorities and by commercial burial companies.

2.2 These days burial has increasingly been superseded by cremation and the burial of cremated remains is now provided for in both churchyards and cemeteries. Torbay Council provides approximately 200 burials per year compared to approximately 2,700 cremations. However, last year there were only 90 new burials and 60 burials in existing graves in Torquay and Paignton.

2.3 There is no legal requirement for a Council to provide burial or cremation facilities although Torbay Council has acted as a burial authority for approximately 30 years. The main legislation that governs cemeteries and crematoria is the Local Authorities Cemeteries Order 1977. The Order sets out the general parameters under which municipal cemeteries operate. The Order allows considerable management discretion and regulates matters such as:

- provision of chapels, mortuaries and bières;
- plans and record keeping, registration of burials and disinterments, and storage of records;
- grant of exclusive burial rights, rights to erect memorials and agreements for maintenance of graves and memorials;
- fees and charges;
- maintenance, including removal of memorials;
- depth of burial and special provisions in relation to walled graves and vaults; and
- offences and penalties.

2.4 It is anticipated that Torquay Cemetery will reach its burial capacity in approximately four years. The Council needs to consider what facilities it wishes to offer for burial in the future.
2.5 The scope of the Review was:

(i) To consider the burial capacity within Torbay;

(ii) To assess the possible location for a new burial site;

(iii) To assess the issue of woodland burials in Torbay; and

(iv) To receive feedback from the public to help develop the service for the future.

2.6 The Project Plan which sets out the full details of the Review, including the methodology employed is set out at Appendix 2.

2.7 The membership of the Panel comprised of Councillors Carroll, McPhail, Pentney, Porter, Stocks and Stringer. Councillor Stringer chaired the meetings of the Review Panel.
3. Process

3.1 The Panel met formally on three occasions to consider evidence and work through its Project Plan.

3.2 Evidence for the Review Panel's work was collected from the following sources:-

- Analysis of briefing notes. A list of key documents is attached at Appendix 3.

- Presentations from and discussions with:
  
  Frances Hughes, Assistant Director (Environmental Health and Consumer Protection)
  Jana Britton, Bereavement Services Manager
  Alex Finch, Bereavement Services Deputy Manager
  Dominic Acland, Managing Director, Torbay Coast and Countryside Trust
  Rob Mason, Property Records and Estates Assistant

- Visits to potential future burial sites

- Consultation with funeral directors, memorial masons and local faith groups

- Public consultation via the media and Council's website
4. Key Findings

View of stakeholders

4.1 Consultation was undertaken with funeral directors, memoral masons, faith groups and the public to ascertain what sort of burial facilities they would like to see the Council provide in the future. They were also asked their views on what sort of memoral they would like to see.

4.2 The general view expressed by these groups was that they would like to have more choice in the types of mementos available and different ways in which to remember their loved ones.

Partnership arrangement with a Management Company

4.3 Involving a private sector organisation in the management of the cemetery and crematorium could provide the Council with greater options to provide the flexibility sought by the public.

4.4 An advert was placed in the European Journal on 1st June 2005 and six companies have expressed an interest in taking on the operation. These companies will be sent a pre-qualification questionnaire as the next stage of the process.

4.5 Under this arrangement, the management company would be required to run the cemetery and crematorium in line with the Council’s policies and requirements, enabling the public to continue to have a say on this sensitive issue.

Current Provision

4.6 There is currently one operational cemetery in Torbay where new burials can take place. This cemetery is operated by the Council and is located in Hele Road, Torquay. The Council is also responsible for the maintenance of the old cemetery in Torquay, the Paignton cemetery and five closed churchyards. These functions would form the basis of any partnership agreement with a management company.

4.7 The Council’s Bereavement Services provide advice and assistance in relation to burials, cremations, funerals and memorials.

Burial Capacity

4.8 Torquay cemetery has enough space for new burials for the next four years. Although cremation has become more popular and therefore
the number of burials is reducing, the Council still needs to consider what facilities it wishes to offer for burial in the future. The following three options have been identified:

- to develop a new cemetery in Torbay;
- to develop a woodland burial/green burial site; and
- to investigate a partnership arrangement with another local authority.

New Cemetery

4.9 A new cemetery site could be developed, which would enable the Council to continue to offer burial plots within the borough of Torbay to Torbay residents. However, all potential sites require further testing to ascertain the suitability of the soil, the necessary planning consents and consultation with residents and other interested parties. This proposal therefore requires further work.

Woodland/Green Burial

4.10 The Panel was advised of Torbay Coast and Countryside Trust’s proposals for a green burial site within the development of the new Conqueror Wood. The Trust proposed that a small section of the site would be used for green burial and that each time someone was buried, or their ashes were buried, a new tree would be planted on the site.

4.11 Members received details of Hinton Park Woodland Burial Ground Trust to give them an idea of what was involved and the likely cost of providing this service.

Partnership Arrangements with Other Local Authorities

4.12 The Council could enter into a partnership arrangement with one of its neighbouring authorities such as Teignbridge District Council or South Hams District Council, enabling plots to be offered to the people of Torbay in cemeteries maintained by them. This would be a cost-effective solution, but may not be popular as it could mean that residents would have to travel out of the area to visit graves, although this may be closer for some people than the distance they would have to travel to the Torquay Cemetery. However, it is recognised that this may be an issue for wider public consultation.
Memorials

4.13 The following types of memorials can be purchased through the Council: memorial plaques, memorial cards and book of remembrance. Memorial benches can also be purchased and placed at certain locations around Torbay.

4.14 Torbay Coast and Country Trust provide memorial trees, gardens and seats at Cockington.

4.15 There are many other forms of memorials which could be provided to give the public more flexibility on the type of memorial they could purchase (for example monuments, tablets and vases, which are currently purchased from memorial masons). If the Council chooses to enter into a partnership agreement with a management company the company would be able to offer a wider range of memorials than that currently available through the Council.

Mercury Emission/Cremator Replacement

4.16 The Department for Environment, Food and Rural Affairs (DEFRA) issued guidance on 10th January 2005 in relation to the control of mercury emissions from crematoria. The guidance sets out new environmental requirements which necessitate a reduction in the mercury emissions produced from crematoria by 50% by 2012. The Council as a cremator operator has until 31st December 2005 to make its final decision on how to achieve this. The two main ways that this can be achieved are:

- burden sharing by partnering with another crematorium; or
- installing mercury abatement equipment at a cost of approximately £500,000 plus ongoing maintenance.

4.17 The Council’s crematoria are due to be replaced in 2012 which is anticipated would double the cost of the installation of the mercury abatement equipment. In order to meet the cost of this the Council would have to build into its future budgets a contingency to cover these costs.
5. Conclusions

5.1 The Council has limited resources to maintain an efficient cemetery and crematorium service. It was felt that entering into a partnership arrangement with a management company would help the service to develop and therefore benefit the people of Torbay. The Management Company would also have a better opportunity to develop the range of facilities available. However, Members felt that it was important for the Council to maintain control over the operational policies, such as fees and charges.

5.2 The Panel was concerned that within the next four or five years, there will be no room left at Torquay Cemetery for new burials. They felt that it was important that the people of Torbay had a suitable place to go to remember their friends and relatives.

5.3 The Panel concluded that this could be achieved through the development of a green burial site by Torbay Coast and Countryside Trust, the possible development of a new cemetery site and/or through a partnership agreement with a neighbouring authority.

5.4 Due to the short timescale for the completion of the review it was decided that consideration in relation to the development of a future cemetery site would be the subject of a separate report following further investigation.

5.5 Members were encouraged by the forward thinking of Torbay Coast and Countryside Trust in relation to the provision of green burial sites in the new Conqueror Wood. As more people become environmentally aware and wish to change the way in which they are buried, it is important that there is appropriate provision within Torbay.

5.6 As the Government guidance requires mercury emissions from crematoria to be reduced by 50% by 2012, the Council needs to consider how it will achieve this. Although the Panel recognised that the installation of appropriate mercury abatement equipment was expensive, it would help to provide a long-term solution for the control of emissions from the crematorium.
6. Recommendations

It is recommended to the Executive:

6.1 That the Council supports Torbay Coast and Countryside Trust in their development of a green burial site within the confines of the new Conqueror Wood.

6.2 That the Assistant Director (Environmental Health and Consumer Protection) be requested to approach Teignbridge District Council to ascertain whether they would be interested in entering into a partnership arrangement for future burials.

6.3 That the Department for Environment, Food and Rural Affairs be advised that this Council intends to install appropriate mercury abatement equipment to crematoria by 2012 in order to reduce mercury emissions by 50%.

6.4 That the Assistant Director (Environmental Health and Consumer Protection) be authorised to invite tenders from management companies to enter into a partnership agreement with the Council for the management and maintenance of the cemeteries and crematorium.

6.5 That a clause be included in the partnership agreement to ensure that fees and charges may not be increased without the prior approval of the Council.

6.6 That the management company be encouraged to provide a wider range of memorials to give people more choice in the way in which they can remember their friends and relatives.

6.7 That two representatives from the Cemeteries Review Panel be nominated to serve on the tender evaluation panel.

6.8 That consideration in relation to the possible development of a new cemetery site be deferred for further investigation within a period of not more than 12 months.

It has been agreed by the Overview and Scrutiny Board:

6.9 That the Overview and Scrutiny Board be requested to monitor the work of the management company to ensure that it provides an efficient and reliable service which reflects the needs of local people.
7. Monitoring Arrangements

7.1 The Panel should reconvene in December 2005 to monitor the progress that is being made in implementing the recommendations.
Acknowledgements

The Review Panel wishes to thank the following people for their contribution to the work of the Review:

Frances Hughes, Assistant Director (Environmental Health and Consumer Protection)
Jana Britton, Bereavement Services Manager
Alex Finch, Bereavement Services Deputy Manager
Dominic Acland, Managing Director, Torbay Coast and Countryside Trust
Rob Mason, Property Records and Estates Assistant
## Appendix 1

### Implications of the Recommendations

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<tr>
<th>Legal</th>
<th>None</th>
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<tr>
<td>Financial</td>
<td>These are set out in the report.</td>
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<tr>
<td>Human Resources</td>
<td>As part of the partnership arrangement with a management company, existing Bereavement Services staff will transfer to the company in accordance with TUPE conditions.</td>
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<td>Property</td>
<td>The responsibility of existing cemetery buildings will be transferred to the management company.</td>
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<td>Change Mgmt Plan</td>
<td>None</td>
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The recommendations contained within this Report are in accordance with the Council's Budget and Policy Framework.

The recommendations contained within this Report would be a Key Decision (reference X16/2005)
Appendix 2

Review of Cemeteries

Project Plan

Objective of the Review

To investigate and monitor issues in relation to the management and future provision of Torbay Council's cemeteries and crematorium.

Introduction

The provision of cemeteries and crematorium is widely recognised as a vital service provided by Torbay Council. To maintain this service in the future, the Council will need to take a number of strategic decisions which affect the direction in which the cemeteries and crematorium are managed. These issues require consideration by Members to ensure that the development of the service reflects the Authority's requirements in the future.

Scope of the Review

1. To consider the burial capacity within Torbay;
2. To assess the possible location for a new burial site;
3. To assess the issue of woodland burial in Torbay; and
4. To receive feedback from the public to help develop the service for the future.

Service Background

The cemeteries and crematorium are managed by the Environment Services Directorate at Torbay Council, and the grounds maintenance is provided by Operational Services.

Legislative and National Background

Local Authorities Cemeteries Order 1977

Initial Supporting Documentation

Woodland Burial Ground Trust, Hinton Park Woodland Burial Ground leaflets

Torbay Council book of remembrance, memorial flowers and memorial plaques leaflets
Review of Cemeteries

Review Panel

Councilor Carroll
Councilor McPhail
Councilor Pentney
Councilor Porter
Councilor Stocks
Councilor Stringer (Lead Member)
# Timetable for Review and Methodology

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<tr>
<th>Date</th>
<th>Time</th>
<th>Venue</th>
<th>Council/ Stakeholder/ Community Representatives</th>
<th>Key Tasks and Questions</th>
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| Wednesday, 6th July 2005 | 10.00 a.m. | Town Hall Torquay      | Assistant Director (Environmental Health and Consumer Protection) Bereavement Services Deputy Manager | 1. To receive a presentation on the current situation in relation to cemeteries and crematorium.  
2. To determine the scope for the review and to agree a draft project plan. |
| Wednesday, 20th July 2005 | 10.00 a.m. | Town Hall Torquay      | Managing Director, Coast and Countryside Trust Bereavement Services Manager Bereavement Services Deputy Manager | 3. To receive a briefing in relation to woodland burials.                              |
| Tuesday, 16th August 2005 | 10.00 a.m. | Various potential sites | Assistant Director (Environmental Health and Consumer Protection) Bereavement Services Manager Bereavement Services Deputy Manager | 4. To visit potential burial sites.                                                   |
Friday, 19th August 2005 3.00 p.m. Town Hall Torquay

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<th>Assistant Director (Environmental Health and Consumer Protection)</th>
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<th>Bereavement Services Deputy Manager</th>
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<td>5. To consider the views of the public in relation to future service provision.</td>
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<td>6. To consider issues in relation to service delivery, which would need to be incorporated into the specification for the future service delivery.</td>
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<td>7. To determine the conclusions of the Review.</td>
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<td>8. To determine the recommendations of the Review.</td>
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<td>9. To finalise the report of the Review Panel.</td>
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The final report of the Review Panel will be presented to the Executive at its meeting to be held on 13th September 2005.
Appendix 3

List of Key Documents

Local Authorities Cemeteries Order 1977


Woodland Burial Ground Trust, Hinton Park Woodland Burial Ground leaflets

Torbay Council book of remembrance, memorial flowers and memorial plaques leaflets

Department for Environment, Food and Rural Affairs (DEFRA) Guidance AQ1(05) – Control of Mercury Emissions from Crematorium

Briefing paper prepared by the Assistant Director (Environmental Health and Consumer Protection)

Briefing paper prepared by the Managing Director of the Torbay Coast and Countryside Trust