

# REVIEW OFCEMETERIES

Report O SB/13/05 to the Executive on 13th September 2005

Adopted by the Overview and Scrutiny Board on 1st September 2005



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#### Foreword

The provision of ceme teries and creme atoria is widely recognised as a vital service provided by the Council. In making its recommendations, the panel has been acutely aware of the sensitivity of the issues.

The Review Panelwase stablished to investigate a number of issues in relation to the way in which the ceme teries 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 Panelinvited input from a number of interested parties including funeral directors, memorial masons and boalfaith 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 Paneline eived input from Members of the public unfortunately we did not receive correspondance from some key stakeholder groups.

Lishoped that this report will help guide the Councilin 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.

CouncilorRogerStringer Chaim an of the Cemeteries Review Panel

- 1. Executive Sum mary
- 1.1 The Review Panelundertook this review to ensure that Torbay Council had in place appropriate measures to secure future service delivery in relation to ceme terrisand crematorium, which reflect the needs of the boalpeople of Torbay.
- 12 Lexam ned the provision currently operated and maintained by the Counciland sought the view sofbcalpeople on the type of burial and memorial facilities and the boation of such facilities they would like to be provided.
- 13 The Panelundertook consultation to ascertain the view softhe public, funeraldirectors, memorialm asons 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 Councilto 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 cremators by 2012 in order to reduce mercury emissions by 50%.
- 1.7 That the Assistant Director (Environm ental Health and Consum er 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 cemeter is and crematorium.
- 1.8 Thata clause be included in the partnership agreem ent to ensure that fees and charges may not be increased without the prior approval of the Council.

- 19 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.
- 110 That two representatives from the Cemeteries Review Panelbe nominated to serve on the tenderevaluation 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 notmore than 12 months.
  - Thas been agreed by the Overview and Scrutiny Board:
- 1.12 That the O verwiew 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 boalpeople.

### 2. Introduction

- Historically burialwas 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 boalcommunity. This changed because many of the old churchyards became full and there was an increase in demand for burial on and which was not controlled by the Church of England. As a result more burial places were provided by boal authorities and by commercial companies.
- These daysburialhas increasingly been superseded by crem ation and the burial of crem ated remains is now provided for in both churchyards and cemeteries. Torbay Council provides approximately 200 burials peryearcom pared to approximately 2,700 cremations. However, last year there were only 90 new burials and 60 burials in existing graves in Torquay and Paignton.
- There is no legal requirem ent for a Council to provide burial or crem ation facilities although Torbay Council has acted as a burial authority for approximately 30 years. The main legislation that governs ceme teries and crematoria is the Local Authorities Ceme teries Order 1977. The Ordersets out the general parameters under which municipal ceme teries operate. The Order allows considerable management discretion and regulates matters such as:
  - provision of chapels, mortuaries and biers;
  - plans and record keeping, registration of burials and disinterments,
     and storage of records;
  - □ grantofexclusive burialrights, rights to erectmemorials and agreements formaintenance of graves and memorials;
  - feesand charges;
  - maintenance, including removalofm emorials;
  - 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 a seess the possible boation for a new burial site;
  - (iii) To a seess the issue of wood and buriak in Torbay; and
  - (iv) To receive feedback from the public to help develop the service for the future.
- 2.6 The ProjectPlan which sets out the full details of the Review, including the methodoby employed is set out at Appendix 2.
- 2.7 The membership of the Panelcom prised of Councillors Canol, McPhail, Pentney, Porter, Stocks and Stringer. Councillor Stringer Chaired the meetings of the Review Panel.

- 3. Process
- 3.1 The Panelm et form ally on three occasions to consider evidence and work through its Project Plan.
- 32 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, Bereavem ent Services Manager

A bx Finch, Bereavem ent Services Deputy M anager

Dom inic Acland, Managing Director, Torbay Coast and Countryside Trust

Rob Mason, Property Records and Estates Assistant

- Usits to potential future burial sites
- Consultation with funeraldirectors, memorialm asons and bcalfaith groups
- □ Public consultation via the media and Council's website

### 4. Key Findings

### View sofstakeholders

- Consultation was undertaken with funeral directors, memorial 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 memorials they would like to see.
- 42 The general view sexpressed by these groups was that they would like to have more choice in the typesofm emorial available and different ways in which to remem bertheir boxed ones.

### Partnership Amangementwith a ManagementCompany

- 4.3 Involving a private sectororganisation 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 advertwasplaced in the European Journalon 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 Underthis a mangement, 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.

### <u>CumentProvision</u>

- 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 boated 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 Bereavem ent Services provide advice and assistance in relation to burials, cremations, funerals and memorials.

#### BuralCapacity

4.8 Torquay cem etery has enough space for new buris for the next four years. Although cremation has become more popular and therefore

the num berofbura kismeducing, the Council still needs to consider what facilities it wishes to offer for bural in the future. The following three options have been identified:

- □ to develop a new cemetery in Torbay;
- u to develop a woodland buria lygreen buria lsite; and
- to investigate a partnership arrangement with another bcal authority.

### New Cemetery

A new cem etery site could be developed, which would enable the Councilto continue to offerburial 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.

#### Woodhnd/Green Bural

- 410 The Panelwasadvised of Torbay Coastand 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 burials and that each time someone was buried, or their ashes were buried, a new tree would be planted on the site.
- 4.11 Mem bers 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 Arrangem entswith other Local Authorities

412 The Councilcould enterinto a partnership arrangement with one of its neighbouring authorities such as Teighbridge District Councilor South Ham s District Council, enabling plots to be offered to the people of Torbay in ceme teries maintained by them. This would be a costeffective solution, but may not be popular as it could mean that residents would have to travelout of the area to visit graves, although this may be conserved an energy. However, it is recognised that this may be an issue forwide roublic consultation.

### Memorals

- 4.13 The following typesofm emorials can be purchased through the Council: memorialphques, memorial cards and book of remembrance. Memorialbenches can also be purchased and placed atcertain boations around Torbay.
- 4.14 Torbay Coastand Countryside Trust provide memorial trees, gardens and seats at Cockington.
- 4.15 There are many other form so fm emorials 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 widerrange of memorials than that currently available through the Council.

### Mercury Emission/CrematorReplacement

- 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 cremators 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 plusongoing maintenance.
- 4.17 The Council's crem ators are due to be replaced in 2012 which it is anticipated would double the cost of the installation of the mercury abatem entequipment. In order to meet the costs of this the Council would have to build into its future budgets a contingency to cover these costs.

### 5. Conclusions

- The Councilhas in ited resources to maintain an efficient cemetery and crematorism 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 memorials available. However, Members felt that it was in portant for the Councilto maintain control over the operational policies, such as fees and charges.
- The Panelwas 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 in portant that the people of Torbay had a suitable place to go to remem bertheir friends and relatives.
- The Panelconclided that this could be achieved through the developm entofa green burial site by Torbay Coast and Countryside Trust, the possible developm entofa new cemetery site and/orthrough a partnership agreement with a neighbouring authority.
- Due to the short time scale 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.
- Mem berswere encouraged by the forward thinking of Torbay Coast and Countryside Trust in relation to the provision of green burials within the new Conqueror Wood. As more people become environmentally aware and with to change the way in which they are buried, it is in portant that there is appropriate provision within Torbay.
- 5.6 As the Government guidance requires mercury emissions from cremators to be reduced by 50% by 2012 the Councilneeds 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 brighterm solution for the control of emissions from the crematorium.

- 6. Recommendations
  - It is recomm ended 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.
- That the Assistant Director (Environmental Health and Consumer Protection) be requested to approach Teignbridge District Councilto ascertain whether they would be interested in entering into a partnership arrangement for future burials.
- That the Department for Environment, Food and Rural Affairs be advised that this Council intends to install appropriate mercury abatement equipment to the cremators 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 cemeter is and crematorism.
- 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 Cemeteres Review Panelbe nominated to serve on the tenderevaluation 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 notmore than 12 months.
  - It has been agreed by the Overview and Scrutiny Board:
- 6.9 That the O verwiew 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 boalpeople.

- 7. Monitoring Amangements
- 71 The Panelshould reconvene in December 2005 to monitor the progress that is being made in in plementing the recommendations.

## Acknow edgem ents

The Review Panelw is nesto 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

In pications of the Recomm endations

Legal None

Financial These are setout in the report.

Hum an Resources Aspartofthe partnership arrangement with a

m anagem entcom pany existing Bereavem ent Services staffw ill transfer to the company in

accordance with TUPE conditions.

Property The responsibility of existing cem eteries buildings will

be transferred to the management company.

Change MgtPan None

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)

## Append ix 2

## Review of Cemeteries

## ProjectPlan

### Objective of the Review

To investigate and monitorissues in relation to the management and future provision of Torbay Council's cemeteries and crematorism.

### Introduction

The provision of ceme teris and crematorium is wilely recognised as a vial 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 ceme teris and crematorium are managed. These issues will 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 a seess the possible boation for a new burial site;
- 3. To a seess the issue of wood and buria is in Torbay; and
- 4. To receive feedback from the public to help develop the service for the future.

#### Service Background

The cem eteries and crem atorium are managed by the Environment Services Directorate at Torbay Counciland the groundsmaintenance is provided by Operational Services.

Legislative and National Background

LocalAuthoritiesCem eteriesOrder1977

Thit al Supporting Docum entation

Woodland BurialGround Trust, Hinton Park Woodland BurialGround leaflets

Torbay Councilbook of rem em brance, m em oralfowers and m em oralp laques lea flets

### Review Panel

CouncilbrCanol CouncilbrMcPhail

CouncilorPentney

CouncilorPorter

CouncilbrStocks

CouncilorStringer (Lead Member)

## Tim etable for Review and Methodology

Date	Tim e	Venue	Council/Stakeholder/Community Representatives		Key Tasks and Questions
Wednesday, 1000	Town Hall	Assistant Director (Environmental Health and Consumer Protection)	1.	To receive a presentation on the current situation in relation to cem eteries and crem a torium.	
6th July 2005	- 1000am I	Torquay	Bereavem ent Services Deputy Manager	2.	To determ he the scope for the review and to agree a draft project plan.
			M anaging Director, Coastand Countryside Trust		
Wednesday, 20th July 2005 10.00 a m	10.00 am.	Town Hall Torquay	Bereavem entServicesM anager	3.	To receive a briefing in relation to woodland burials.
			Bereavem entServicesDeputy Manager		
			Assistant Director (Environm ental Health and Consum er Protection)		
Tuesday,16th August2005	10.00 a m .	Varbus potentialsites	Bemeavem entServicesM anager	4.	To visit potential burial sites.
			Bereavem entServicesDeputy Manager		

				5.	To consider the view sof the public in relation to future service provision.
			Assistant Director (Environmental Health		
			and Consum erProtection)	6.	To consider issues in relation to service delivery, which would need to be incorporated into the specification
Friday,19th August2005	3.00 p m .	Town Hall Torquay	Bemeavem entServicesM anager		forthe future service delivery.
			Bereavem entServicesDeputy Manager	7.	To determ he the conclisions of the Review.
				8.	To determ he the recommendations of the Review.
				9.	To finalise the report of the Review Panel.

The final report of the Review Panelwillbe presented to the Executive at its meeting to be held on 13th September 2005.

## Appendix 3

### List of Key Docum ents

LocalAuthoritiesCem eteriesOrder1977

Burallaw and Policy in the 21stC entury: The need for a sensitive and sustainable approach - consultation paper

Woodland BuralG round Trust, Hinton Park Woodland BuralG round leaflets

Torbay Councilbook of rem em brance, m em oral flowers and m em oral plaques la flets

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

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

Briefing paperprepared by the Managing Director of the Torbay Coast and Countryside Trust