

Appendix 1 to Report 116/2007

**MANAGEMENT REVIEW OF
TORBAY COUNCIL'S
CEMETERIES AND
CREMATORIUM SERVICE**

Contents:

Introduction

Section 1	Legislative Background Existing facilities and service provision Purpose/Need for the Service Cemeteries and Crematorium Service Aims
Section 2	Key Issues and Risks
Section 3	Resources Statistical Information Fees & Charges
Section 4	Future Development of the Service Summary
Section 5	Options for future service delivery Option appraisal

Management Review of Torbay Council's Cemeteries and Crematorium Service

Introduction

Torbay Council's Cemeteries and Crematorium Service has had an uncertain future for a number of years. The increasing statutory requirements which emerged in around 2003, which included the need to undertake memorial (headstone) safety surveys and mercury abatement works to reduce air pollution resulted in the Council undertaking a Scrutiny Review of the service. The Review recommended that the Council seek expressions of interest for the service from the private sector.

A tendering exercise was undertaken in 2005. However, the outcome could not be ratified as the Overview and Scrutiny Board felt that there was insufficient information available on which to make a recommendation and deferred the matter until the new financial year. This effectively terminated the original process.

Since that time, the Assistant Director (Environmental Health and Consumer Protection), in conjunction with the Manager of the cemeteries and crematorium have undertaken considerable work in trying to develop a long-term business plan for the service. This has not been able to be concluded due to a significant number of issues which need to be resolved, largely (but not exclusively) in terms of investment of the service in the short and medium term.

The following report highlights all the key issues and risks which members need to consider as well as the more general management ones, in operating a specialist service of this type. The report suggests a number of options for future service delivery and an option appraisal for each.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Section 1

Legislative Background

The provision of cemeteries and crematorium is not a statutory duty of a local authority. Under Article 2 of the Local Authorities Cemeteries Order 1977 (LAC 077) a local authority may provide and maintain cemeteries inside or outside its area. 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 biers;
- Plans and records keeping, registration of burials and disinterment, and storage of records;
- Grant of exclusive rights, rights to erect memorials and agreements for maintenance of graves and memorials;
- Fees and charges;
- Maintenance, including removal or memorials;
- Depth of burial and special provisions in relation to walled graves and vaults; and
- Offences and penalties.

The legislation requires that a Local authority must keep in good repair any cemetery that they are responsible for, together with the walls, buildings and fences thereon and any other buildings provided for use therein.

Section 4 of the Cremation Act 1902 provides that a Burial Authority may provide anything ancillary or incidental to the provision of cemeteries and this shall be deemed to extend to the provision of crematoria.

The 1902 Act also allows local authorities to charge such fees as they see fit, and requires the keeping of registers and plans of sites.

All crematoria must comply with the requirements of Integrated Pollution Prevention Control (IPPC) and have permit to operate under the Environmental Protection Act 1990.

Existing Facilities and Service Provision

Management Review of Torbay Council's Cemeteries and Crematorium Service

The service consists of 8 burial sites (including the five closed churchyards) and a single crematorium.

Torbay Council currently owns and operates:

- Torquay (New) Cemetery, Hele Road, Torquay (including the Crematorium)

The crematorium is located at Hele Road and has one service chapel. The scattering lawn is immediately adjacent to the main crematorium building and therefore the potential to expand these facilities is limited.

The main office is located at the Hele Road entrance to the Crematorium.

Services are provided Monday to Friday and the main office is open to deal with public enquiries 9am to 5pm. The book room is open on Saturday and Sunday mornings and Bank Holidays 9.30am to 1.00pm and a member of staff is available on site to answer queries.

- Torquay (Old) Cemetery Barton Hill Road, Torquay

This site is listed by English Heritage and has 3 listed buildings within its perimeter: the old Cemetery Lodge facing Barton Hill Road, and two old chapels. None of these buildings are in use at the present time, and all need a significant amount of internal and external repair to bring them back into use. All repair and renovation work must be authorised by English Heritage, prior to any work commencing.

- Paignton Cemetery, Ailescombe Road, Paignton

This site is divided by Ailescombe Road. Although there is a Cemetery Lodge on this site, it was sold many years ago and is now in residential use. The site also contains a service Chapel, which is still in infrequent use. Paignton Cemetery also contains a section which is leased to the Jewish community specifically for Jewish burial. In 1963, Torbay Council entered into a lease agreement with Chevra Kadisha and Bikur Cholin Society to reserve 110 grave spaces in a defined area of Paignton cemetery. There are currently 14 unused graves remaining in this section.

Torbay Council is also responsible for maintaining five closed churchyards:

- St Andrews/St Saviours Church, St Efrides Road, Torquay
- St Mary the Virgin Church, St Marychurch, Torquay
- St Mary Magdalene Church, Higher Union Street, Torquay
- St John the Baptist Church, Church Street, Paignton

Management Review of Torbay Council's Cemeteries and Crematorium Service

- St Mary the Virgin Church, Bakers Hill, Brixham

Within the cemeteries and churchyards there are areas of consecrated ground, and also areas which have been granted perpetuity to the War Graves Commission.

All the cemeteries are open 365 days a year.

The Cemeteries and Crematorium service employs eight staff (7FTE) with grounds maintenance provided by the Councils Direct Services and Waste Division.

The service offers a 24 hour on line booking facility for crematorium service times, which allows funeral directors to book a slot whenever necessary. The service provides a range of facilities for people with disabilities, including an induction loop in the Chapel and the main office.

Purpose/Need for the Service

Torbay is the 10th most populated location in the South West, while at the same time being the 8th smallest in area. In 2003 (mid year estimate) the population was 131,300 and estimated to grow by 6.7% by 2010 and 16.37% by 2020. This is an average of 1,200 persons per year. Torbay is a popular retirement destination and there is an increasing proportion of older people and lack of young adults, compared to the national average.

Over recent years the future of the service within Torbay Council has been uncertain and therefore long term planning and development has been limited.

There is a need for this type of specialist service in the locality. Without the Crematorium in Torquay, families would have to travel to Exeter or Plymouth for crematorium services. This would increase the cost and be an added pressure on families. Facilities at these other locations would not currently cope with the demand that Torbay would place upon it, as Torbay provides 2500 cremations per year. Despite the local need for this type of specialist service, there is no obvious link to Torbay Council's Corporate Priorities. This suggests that the service could be operated in a different way, not necessarily by the Council itself.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Cemeteries and Crematorium Service Aims

The Cemeteries and Crematorium Service provides cremation, burial, exhumation, memorialisation and information services. These services are provided to the residents of Torbay, and our adjoining neighbours in Teignbridge and South Hams, but also visitors from outside the area and abroad.

The service will:

- provide legal, dignified and professional disposal of the deceased and post funeral requirements;
- provide funerals in accordance with prior arrangements agreed with funeral directors or the relatives of the deceased;
- provide information, help and advice to potential service users, family history researchers, bereaved relatives, funeral directors and other stakeholders;
- maintain the Council's cemeteries, crematorium grounds and associated buildings in good order;
- comply with legislation and professional guidance.

The Cemeteries and Crematorium team is committed to delivering quality services to ensure that the bereavement experience occurs without error or insensitivity and meets the religious, secular, ethnic and cultural needs of the bereaved.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Section 2

Key Issues & Risks

There are a number of key issues facing the service within the next 5 years. Each is significant in its own right, but cumulatively the issues present a huge challenge to the Council in continuing to manage and operate the service as it does currently. The resource implications required to improve our facilities to the required standards have not been fully budgeted for, and each must be considered in the overall context of how the service contributes to the Council's priorities.

The Key Issues facing the service:

1. Environmental Standards;
2. Memorial Safety Inspections;
3. Ensuring the service meets customers' needs, now and into the future;
4. Lack of burial space;
5. Condition of buildings and infrastructure;
6. Grounds Maintenance;
7. Memorialisation;
8. Staffing Issues;
9. Family history and historical records and information;
10. Diversity;
11. Other Considerations when Managing the Service

The following section highlights the key issues and risks facing the service and offers suggestions as to how to address them.

Key issue 1 - Environmental Standards

Torquay Crematorium has four gas fired cremators and we carry out approximately 2500 cremations per year. The Council procures its energy through central contracts; however, with steep rises in energy costs in recent years, the gas bill has increased to £102k per annum. The use of all four cremators at one time is now minimised, and generally only three are in use at any one time. This has been made routine procedure since September 2006 and has resulted in efficiency savings of £14,000.

In January 2005, DEFRA issued statutory guidance in relation to the control of mercury emissions from crematoria. The guidance set 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 had until 31st December 2005 to make a decision on how to achieve this. Torbay Council determined that it would fully abate for mercury by 2012.

Management Review of Torbay Council's Cemeteries and Crematorium Service

The cremators are also due to be replaced in 2012 which it is anticipated will double the cost of the installation of the mercury abatement equipment. In order to meet these costs, a contingency fund has been developed. However, the amount of money in the contingency is significantly less than the anticipated £1.6million required to replace the cremators and install the abatement equipment. To date the £690k is in the reserve fund. These works are not yet specifically identified in the approved Capital Programme as the funding has not been identified. However the issue is identified on the Capital Projects Reserve List, in the Corporate Plan and the Council's Risk Register as a significant risk. The Corporate Plan also specifically identifies the need to resolve the issue of mercury abatement as a matter of urgency.

The cemeteries and crematorium service is exempt for VAT. However, owing to the value of the capital works required for the cremator replacement and mercury abatement this will raise Torbay Council above its threshold for VAT exemption. In effect, this means that we will incur VAT charges in excess of £280,000 on the necessary works, which will put the Council over its 5% threshold. (See Appendix 2).

There are inherent problems with the upgrade of the facility to comply with IPPC requirements:

- a two storey extension to the existing building will have to be built to accommodate the mercury abatement equipment. This will require planning approval and building regulations consent.
- The nature of the abatement will require large fans to be installed at rooftop level. This has the potential to cause noise nuisance issues, and need to be carefully selected, and will require an upgrade to the electricity system at the crematorium, as the existing supply is not sufficient to operate fans of this magnitude.
- a storage facility will have to be incorporated into the design to enable the storage of activated carbon for the process and the storage prior to collection of contaminated activated carbon prior to disposal;
- there will be disposal costs associated with the disposal of the contaminated mercury waste (approx. £1000 per tonne).
- There will be purchase costs associated with activated carbon, and we will use approximately 0.5kg per cremation, which is 25kg per week on average.
- It is estimated that the works will take a minimum of four months to complete. During this time there will be significant disruption to the crematorium site, and we will have to maintain our service capabilities, and throughput. There is a potential conflict between service users and the building works due to the relatively confined nature of the area in which the works will take place.
- There are only a few companies in the UK which have the capability to install this type of equipment. As most other crematoriums will also be requiring mercury abatement, demands on their time will be extreme. There is therefore a need for a swift decision as to how we should proceed

Management Review of Torbay Council's Cemeteries and Crematorium Service

in order to tender for the works in good time, and secure the most competitive deal.

- The nature of the abatement will change the way in which we run the "back room" operations at the crematorium, and staff training and new procedures will have to be developed to cope with such a significant change.
- we cannot abate all four cremators, so a decision will have to be made as to whether we abate 3 and retain 1 as a back up, or proceed without such a back up.

Key Issue 2 - Memorial Safety Inspections

Torbay Council has a duty of care to its staff and visitors and must therefore ensure that all the memorials on graves in its cemeteries are safe. In 2004, Torbay Council undertook a "worst first" survey of memorials to make them temporarily safe until the relevant deedholders could be contacted. Those that were deemed to fail, failed a resistance test at 15kg or below. The national recommended test is 35kg. In total 958 memorials failed this test. They were all temporarily supported (where possible) whilst attempts were made to contact the deedholders. Where headstones were not repaired to the required standards, they were laid down in August 2004.

Memorial safety is a national issue and a very emotive and sensitive issue. So much so that in 2006, the Local Government Ombudsmen produced a special report entitled "Memorial Safety in Local Authority cemeteries".

The Ombudsmen's overarching advice was:

- Councils have an overriding duty to take, as far as reasonably practicable, measures to prevent injury or death from unstable memorials;
- Councils must balance the (sometimes slight) risk of injury on the one hand and the certainty of distress and outrage if memorials are laid down on the other.

The report went on to give explicit guidance on how local authorities should conduct such surveys.

The report states clearly that:

- The principal responsibility for maintaining a memorial in a safe condition is that of the owner.
- In the absence of maladministration in the testing process, there is no obligation on a council to meet the cost of the remedial work;

A further, sustainable memorial inspection programme is currently under development to inspect all memorials in a five year rolling programme by existing Cemeteries and Crematorium staff. Such an intervention, however

Management Review of Torbay Council's Cemeteries and Crematorium Service

necessary, is not popular with bereaved families, and a significant amount of negative press coverage occurred during the initial survey period.

Key Issue 3 - Ensuring the service meets customers' needs, now and into the future;

The Assistant Director (Environmental Health and Consumer Protection) and the Cemeteries and Crematorium Manager generally meet with stakeholders twice a year. It is an open agenda and a range of operational issues are discussed. Some of the key issues have included:

- (i) There are restricted hours of operation at the crematorium, which sometimes cause delays to the bereaved, as they have to wait for a funeral;
- (ii) The duration of a funeral slot is often too short, the capacity of the crematorium chapel is limited, and the area for viewing funeral flowers is exposed to the elements;
- (iii) There is very limited waiting room available at the Crematorium for bereaved families;
- (iv) There are limited facilities for Ministers and other officiators to prepare of services other than the Vestry, which is often used by funeral directors and staff for a range of other purposes.

However, there has not been any formal consultation or feedback mechanism for service users. This will be remedied during 2007, as highlighted in the Environmental Health and Consumer Protection Business Plan.

Regular meetings also take place with a friends group lead by the Rebecca Smale Foundation. These have to date resulted in the installation of CCTV at Torquay Old Cemetery and Crematorium, and the group has plans to develop a community/citizenship role with the potential to develop a memorial garden on the old cemetery site.

A Friends of the Churchyard Group also assists in the maintenance of the closed churchyard at St Andrews Church, Torre. Regular dialogue is essential to ensure that the needs of all users are met.

Key Issue 4 - Lack of Burial Space

The only operational cemetery is the site surrounding the Crematorium. All other sites are closed to new burials; however, reopens are permitted in all but the closed churchyards. This is in excess of 26 acres of land (excluding churchyards) which must be maintained.

Management Review of Torbay Council's Cemeteries and Crematorium Service

The number of graves within our cemeteries increases by approximately 200 per year. On average 300 burials take place annually. This generally consists of approximately 80 full burials, 70 reopens and 150 interments of cremated remains.

In 2005, there was an estimated 3 years land left at the crematorium site for new burials. This excludes children's graves. However recent surveys, research and grounds maintenance work has extended this to 6 years. However we still need to resolve the long term situation for new burials.

There are a number of options which could be considered:

a) Do not provide facilities for burial within Torbay

- There is no legal requirement for the Council to provide burial capacity.

b) Rely on the Green Burial Provision at Conqueror Wood, operated by Torbay Coast and Countryside Trust

- In 2005 Torbay Coast and Countryside Trust developed a green burial facility at Conqueror Wood, Paignton. This site is used as an alternative arrangement to traditional burial within the Bay.

c) Develop a new site within Torquay

- The issue of reducing grave space has been a consideration for a number of years. As part of the 2005 Review of Cemeteries undertaken by the Overview and Scrutiny Board a number of potential sites around Torbay were visited to determine whether any could have the potential as a future burial site. This search identified one site in Torquay. A Geoenvironmental Assessment of this site was commissioned in 2006. However, the results revealed that the site had rocks at relatively shallow depth across much of the area, and this would be a significant obstacle to the proposed land use as a burial site. This site was therefore discounted. Land suitable for a new cemetery which is already in the Council's ownership is unlikely based on previous studies, so any new development is likely to require the purchase of new land.

d) Reuse old burial areas

- The issue of grave re-use has been under consideration for some time but as yet there is no provision or legal ability to allow for any grave to be reused where the rights have been exercised, by either a burial taking place in the grave or a memorial being placed on the grave.

In 2004 the Home Office Consultation Document "Burial in the 21st Century" discussed a range of options for future burial services, and

Management Review of Torbay Council's Cemeteries and Crematorium Service

discussed the potential for using existing graves. This would involve exhuming the remains buried in the graves that were over 100 years old and then re-interring the remains at a deeper depth. The remaining space could then be used for new burials. However, as yet, legislative changes have not been introduced.

e) Enter into partnership agreement with Teignbridge to use their burial capacity

- Preliminary discussions have taken place at an officer level with Teignbridge District Council about entering a partnership arrangement to enable burial to be offered at their sites to residents of Torbay. Whilst this is theoretically possible, their available land is limited, and before any agreement could be entered into, site surveys etc would need to be undertaken, all at a cost. A political decision would also be required by both Torbay Council and Teignbridge Council as to whether or not they would wish to enter into such an arrangement. There is also the consideration of cost to, and travel times to the Teignbridge sites for Torbay residents.

f) Burial at sea

- There are only two burial-at-sea sites in the UK which have the special licence to permit burial at sea, and Torbay Council is not one of them. Licences are restricted as it is inevitable that when a body is buried at sea it is liable to movement by currents, with the consequent risk that it may be returned to shore, or trawled up in fishing gear. DEFRA as the licensing authority are acutely aware of the risks and recommend that rather than burial at sea, consideration should be given to the scattering at sea of cremation ashes.

Key Issue 5 – Condition of Buildings and Infrastructure

Torquay Crematorium consists of a single chapel opened in 1952. It seats 90 people and provides an organ as well as a digital music system. The chapel is DDA compliant.

Over 2500 cremations take place annually using the four cremators, operating under IPPC permits, Environmental Protection Act 1990. Two members of staff hold the relevant professional qualification and two more are studying towards it.

A condition survey of all buildings was undertaken in early 2007. With the exception of the main crematorium site, the overall condition of the buildings is poor.

Key issue 6 - Grounds Maintenance

Management Review of Torbay Council's Cemeteries and Crematorium Service

Grounds maintenance is carried out by the Direct Services and Waste Unit on our behalf. The amount of work is based on the availability of budget and a dynamic appraisal of what works need attention as the financial year progresses. The grounds maintenance covers all external works including grass cutting, grave digging, tree maintenance, general repairs etc.

The public expectation of what our grounds should look like is generally significantly higher than the level of service which is provided. This is particularly true in the closed cemeteries.

The service receives numerous complaints about the standard and frequency of grass cutting and tree maintenance. Although the grass is cut 6 times per year, this is not planned at a set frequency, and will depend on the availability of staff, weather conditions and periods when high visitor numbers are expected e.g. Mothering Sunday, Christmas etc. Where budget permits, additional cuts are introduced where possible.

Key Issue 7 – Memorialisation

Choosing a memorial and then visiting it are crucial steps in the grieving process. As a lawned cemetery the style of memorial at Torquay Cemetery is determined by the Cemetery Rules and Regulations.

The following types of memorials can be purchased through the Council: memorial plaques, memorial cards and book or remembrance. Additional memorialisation is under consideration but is underdeveloped due to lack of staff time.

The Crematorium site includes a Book Room where the Book of Remembrance can be viewed every day of the year. The public are able to commemorate their loved ones by placing flowers in this room. This, whilst desirable from a public perspective, does create some costly maintenance issues. The condensation produced by the flowers does cause maintenance issues of not only the building, but the Books of Remembrance themselves, and the situation has to be closely monitored to ensure that significant deterioration does not occur.

With regard to headstones, the Council maintains an approved List of Monumental Masons and all Monumental Masons require a permit before they can carry out works on any of Torbay Council's sites.

Key Issue 8 - Staffing Issues

Recruitment and retention in the Cemeteries and Crematorium service is extremely difficult, due to the specialist nature of the work, and the limited career opportunities. There is also a 12% annual turnover of staff, largely in the field of cremator operators. At the present time, out of an overall staff of eight, 50% are due to retire within the next three years. Due to budgetary

Management Review of Torbay Council's Cemeteries and Crematorium Service

constraints, there are no defined succession planning policies in places to address this issue.

When staff are recruited, they generally require an intense period of training. Those who work as cremator operators must obtain their Certificate in Cremator Operator Practice, before they can cremate alone. Until recently, we only had two qualified members of staff, although recently an additional member of staff has passed the qualification.

Although the staff in this area are relatively few, there have been a disproportionate number of management interventions required to resolve issues that have arisen.

This small specialist service operates with limited back up systems. In March 2007, due to staff absence and sickness, the service operated with only 3 staff present. This is an untenable situation but one which has no reliable solution in the short term.

In the past we have shared staff with Plymouth City Council. However, this is only possible when either Plymouth's or Torbay Crematorium is not at capacity, and therefore its use is limited.

Key Issue 9 - Family history and historical records and information;

The Cemeteries and Crematorium Service holds a wealth of genealogical information. Genealogy is a huge and increasing industry, made more recently popular with the availability of census information available on line. The service regularly receives requests for genealogical information. This involves manually searching through historical records held at the Hele Road Office. There is no current capacity to computerise these records. However, some of the old duplicate records are stored at the Devon Records Office in Exeter and can be viewed by the public.

Key Issue 10 - Diversity

The Cemeteries and Crematorium Service strives to provide facilities for all faiths and persons of no faith. However, the replacement of the wall mounted cross with a free standing one, in 2005 caused a significant amount of bad publicity and ill feeling, both locally and nationally. As a result the wall mounted cross was reinstated and new curtains were provided, which mourners can request to have closed, to cover the cross during services. This request is made approximately 6 times per month.

The crematorium provides display facilities for mourners to display personal commemorations throughout a service, or articles of religious significance, although the service itself does not provide symbols for religions other than Christian for display.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Key Issue 11 - Other Considerations When Managing the Service

Performance Management

Since 2004 the service has been subject to a variety of operation difficulties and poor media relations. This has resulted in high staff turnover, and poor relationships with stakeholders. In 2005 the Overview and Scrutiny Review of Cemeteries agreed to explore the option of externalising the service to an external provider. This process was taken forward and four private companies tendered for the service. Unfortunately, the future direction the Council wished to take at the time was unclear, and therefore an agreement on the preferred option could not be reached. This in itself has caused the service significant operational difficulties. Whilst the externalisation issue was being resolved, the service was unable to develop at the same pace as some other areas of the Council, and uncertainty affected the existing staff. However, since October 2006, when it was finally apparent that the tender process would fall, progress has been made in improving and maintaining staff morale, developing services and some long term planning in terms of service development. This is still under development as this report clearly highlights.

The Cemeteries and Crematorium team is extremely small, and any staffing issues cause significant problems to management capacity. Service development of such a specialised service is also difficult based on current staffing levels and capacity. The service is demand led, and there is very limited time which is available to develop the service appropriately.

All embracing performance management and monitoring is not part of the service culture.

There are no national performance indicator associated with cemeteries and crematorium provision. However, the Chartered Institute of Public Finance and Accountancy (CIPFA) produce annual statistics, which provide useful comparative data. See Section 2.

The service has clear aims, but these are not particularly challenging, and they do not address the key local and national priorities;

The service is underdeveloped in its approach to measuring and monitoring its performance.

The service aims currently reflect the minimum expectations of service delivery. However, these do not comprehensively address the key local and national priorities for the service and they are not particularly challenging. The service is also unable to quantify its contribution to corporate priorities.

Charter for the Bereaved

Management Review of Torbay Council's Cemeteries and Crematorium Service

The Charter for the Bereaved was launched in 1994 by the Institute of Cemetery and Crematorium management (ICCM). The objective was to provide a number of Charter Rights that the bereaved could expect to receive as a minimum standards of service. Since 1994 the Charter has evolved and is now the only benchmark for Cemeteries and Crematorium throughout the UK by means of an annual Charter Mark Assessment process. At the present time, the service has not applied for this Charter.

Dealing with Unauthorised Memorialisation

Both Torquay new cemetery and Paignton Cemetery are Lawned Cemeteries and as such the rules and regulations controlling how they should be used are very specific. However, for a wide range of historical factors, families have been allowed to install and commemorate their graves in numerous ways which are outside the current regulations. Examples of this are: graves which have been planted out the full length in front of the headstone; adding kerb sets; headstones which are not the uniform size and shape; trees planted in the graves; gravel being added to the full length of the grave to assist families etc. All these create problems in terms of access to the graves, grounds maintenance and staff and visitors safety.

There have been a number of attempts to liaise with families about these issues over many years, although a universally acceptable solution has not been found. The Cemeteries and Crematorium Working Party agreed in 2004 that the rules and regulations would not be rigorously enforced in Paignton Cemetery, as it was now closed to new burials. On the Torquay new site, families are required to sign to say that they have read and understood the terms and conditions of the cemetery before they agree to a grave. These families are then reminded of their obligations when they deviate from the requirements. In some cases, ornamentation will be removed, if it is a danger to other cemetery users.

Topping up of graves

Whenever a burial is undertaken the ground will sink over a period of time as the soil settles. Depending on the location of the grave this can occur over a period of many months or even years. The cemetery staff regularly monitor graves and when such settlement occurs they will top up the graves, level the ground, and ultimately reseed with grass seed. Families often find this distressing as it appears to them as if the graves have been disturbed in some way. We always aim to complete our essential maintenance work as quickly as possible. Where families have undertaken additional unauthorised memorialisation, this makes the process of topping up extremely difficult and we have to disturb their memorials in order to complete our maintenance.

Alternatives to gas fired Cremation

Management Review of Torbay Council's Cemeteries and Crematorium Service

One of the most recent developments in alternatives to gas fired cremation is an ecologically friendly method, which has been invested in Sweden. It involved bodies being frozen very quickly and then dipped in liquid nitrogen to cool them to -196C. A simple vibration is then used to shatter the extremely brittle body into a powder. This is then placed first in a vacuum chamber, which removes the water, then a metal separator, which removed toxic metals and metal fillings and surgical parts. The dry, odourless remains can then be placed in a small degradable box, and placed in a shallow grave. The company behind this alternative, Promessa Organics are hoping to gain approval for its use in Sweden and then widen its use across Europe.

Exhumations

Exhumations are generally rare. They cannot happen without having the necessary legal authorisation form the Home Office.

Public Health Act Funerals

Under the Public Health (Control of Disease) Act 1984, all local authorities have a duty to make arrangements for persons who die within their area, where there no other arrangements can be made e.g. no family etc. This is administered through the Environmental Health and Consumer Protection Division, who have a contract with a local funeral director to provide this work on their behalf. There are approximately 10 such cases per year. The contract cost and funeral cost may be recovered from the deceased estate. However, were no estate exists, then the Council bears the cost of the arrangement.

Recycling of metals

The Council is a member of the Institute of Cemeteries and Crematorium Management scheme for recycling of metals following cremation.

Antisocial behaviour

There are three buildings on the Old Cemetery Site in Torquay, namely the two chapels and the Cemetery Lodge. All have been subject to vandalism over a prolonged period and are in varying states of repair both internally and externally.

The old cemetery site has been the focus for various types of anti-social behaviour, including littering, graffiti and most recently vandalism in the baby graves sections (Oct 2006).

Officers have been working with a parents group (headed by the Rebecca Smale Foundation), Police and the Councils Security Team to try and resolve the issues previously mentioned. The following action plan has, to date, been implemented:

Management Review of Torbay Council's Cemeteries and Crematorium Service

- Two out of the three entrances to the Old Cemetery have been locked since October 2006. In effect this makes the gate adjacent to the Cemetery Lodge the only entry and exit point to the cemetery. This entrance has been covered by a mobile CCTV camera, borrowed from the Police for a temporary period.
- Officers agreed to explore the possibility of CCTV use in the cemeteries.
- Additional temporary signage has been provided in the cemeteries with essential contact numbers e.g. police, street wardens, dog wardens etc.
- Security patrols in the cemetery have been increased.
- Works have been undertaken to the trees and undergrowth in the old cemetery to improve line of site and discourage anti social behaviour.
- Investigations into the potential alternative uses for the cemetery buildings have been undertaken.

CCTV

The Rebecca Smale Foundation have been raising money to install CCTV cameras at the cemetery. The group raised £4500 towards fixed point CCTV cameras. Using a grant from Safer Communities Torbay and match funding from the Council, in March 2007 fixed point CCTV was installed at the Lodge entrance and the Crematorium entrance.

Most recently, the building located in the Jewish Section of Paignton Cemetery has been subjected to vandalism again and security arrangements across the whole site are being reviewed.

Flu Pandemic Contingency

The provision of suitable facilities for the deceased is a crucial part of the Flu Pandemic contingency arrangements. The Environmental Health and Consumer Protection Business Continuity Plan provides a structure through which such an emergency would be handled by the Crematorium. However, this plan relies on all the staff at the Crematorium being available for work and not ill themselves. Due to the required level of training required to operate the equipment and understand the complex burial and cremation law procedures, the small group of existing staff are critical in delivery the plan in the event of a pandemic. This is a serious weakness in the arrangements. Although several attempts have been made to make the contingency more robust, we are entirely reliant on the recruitment, retention and health of the existing trained staff.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Section 3

Resources

This section of the document details the resources allocated to the Cemeteries and Crematorium Service and the operational pressures which affect it. The service has to operate within fixed budgetary constraints. However, the public expectations increase year on year, and the high cost of managing our listed buildings and the installation of mercury abatement equipment in 2012 mean that the scope for service development is very limited. Although the service generates income from its services, this income is not ring fenced and has to support a wide range of other Council functions.

Bereavement Service Strategy

Budget Analysis

	2006/07 Budget	2006/07 Actual	2007/08 Budget
Employees	193,300	158,558	202,000
Premises	466,300	392,936	526,000
Transport	6,100	3,263	6,300
Supplies and Services	63,200	88,169	68,700
Capital Contribution	75,000	80,079	75,000
Expenditure	803,900	723,005	878,600
Income	-1,315,500	-1,220,610	-1,315,500
Net Expenditure	-511,600	-497,605	-436,900

Staffing levels are shown in the attached structure chart at Appendix 1.

Fees & Charges

Fees increase year on year in line with the overall budget needs of the Council. Income targets are set and monitored annually and if these are not met then reductions in expenditure are sought of cemeteries and crematorium to compensate.

Medical Examiner Costs

During 2006-2007 the Medical Referee received £16.50 for each completed form, totalling £40,984 for the whole year. However, keeping in line with the current national level the Medical Referee now receives £18.50 for each completed form.

Complaints, compliments and requests (2006/07)

Management Review of Torbay Council's Cemeteries and Crematorium Service

Grass Complaints	8
Tree/Grounds Maintenance Complaints	4
Grave levelling complaints	3
Gates locked complaints	5
Grave Theft/Vandalism Complaints	15
Total No of Complaints	35
Compliments Received	9

Management Review of Torbay Council's Cemeteries and Crematorium Service

Cemeteries Statistics

Fees & Charges as at 1st April 2006.

	English Unitaries		Torbay £
	Highest £	Lowest £	
<u>Fees/Charges - Adult Parishioner</u> Exclusive Rights of Burial	844	296	640
<u>Interment Fees (inc. excavation fee)</u> Single Depth (Adult)	693	244	535
Cremated Remains (Adult)	685	47	115
<u>Memorials and Inscriptions</u> Tablet/Headstone	179	33	135
Kerbing	271	52	135
Charge for Additional Inscription	100	8	38
<u>Fees/Charges - Adult Non Parishioner</u> Exclusive Rights of Burial	2400	370	1280
<u>Interment Fees (inc. excavation fee)</u> Single Depth (Adult)	1725	331	1070
Cremated Remains (Adult)	1260	58	230

Cremation Statistics

Comparative Cremation Fees & Charges across the UK (2006/07)

Authority	Cremation Fee £
Torbay	405
<u>Local</u>	
Exeter (private)	418
Plymouth	375
Bodmin (private)	365
Taunton	459
<u>National (Nearest Neighbours)</u>	
Poole	375
Bournemouth	396
Brighton	325

There are large variations in cremation fees nationally in the local authority and private sectors. Of the 249 crematoria in the UK, the maximum fee is £511. Torbay is ranked as 51st with its fee of £405.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Section 4

Future development of the service

As well as the key issues specified in section 1, there are a number of areas for development which need to be considered if the service is to develop. These can be grouped together under the following headings:

Fulfilling stakeholder expectations - in terms of quality of service provision whilst remaining conscious of the need for sensitivity at all times; Establish a policy for maintaining non tended graves; introduced regular monitoring of customer satisfaction; formalise the arrangements for regular meetings with stakeholders; Regular and effective consultation with users and non user of the service is needed to continually improve satisfaction elves and ensure quality of access to the service.

Promoting social inclusion - by positively tackling aspects of the service which discriminate against particular group e.g. those on low incomes; review how the service promotes itself, and how minority groups within the community have access to our services;

Promoting sustainability in service delivery - by minimising the impact of bereavement upon the environment and maximising the opportunity to promote biodiversity; reviewing options for burial for the next 25 years;

Promoting customer service - by ensuring that the service is an integral part of the seamless response to bereavement; Ensure that operating hours and funeral slot duration's meet user expectations; Improve record keeping and availability for public use; Improve the maintenance of cemeteries and sensitively improve facilities for the bereaved;

Promoting effectiveness - matching the performance levels of the best bereavement service providers, over a period of 5 years;

Explore alternatives for future service provision - Explore the merits of delegating management responsibility for some of the closed churchyards and cemeteries to Brixham Town Council or the Community/Ward Partnerships.

Summary

This review has highlighted many of the difficulties associated with operating specialist service in house. The Cemeteries and Crematorium Service cannot be operated as an individual "business unit" at the present time due to the need to divert income to support other Council services. Whilst a clear and unambiguous action plan can be developed as a result of this management review of this service, this has not been undertaken, due to the need for Members to consider the overall option appraisal for future management arrangements. The long term sustainability of this service, associated risks

Management Review of Torbay Council's Cemeteries and Crematorium Service

and cost must be taken into consideration first. Only once this has been determined, can the service delivery elements be prioritised into a meaningful action plan. Regardless of the outcome, agreed future service delivery will need to be managed using PRINCE2 Project Management Methodology, and resourced appropriately.

Management Review of Torbay Council's Cemeteries and Crematorium Service

OPTIONS FOR FUTURE SERVICE DELIVERY

Option	Description	Advantages	Disadvantages/Risks	Effects on Other Services	Decision
Improve (1)	To continue the existing service using the in-house provider and an agreed service improvement plan with guaranteed funding for statutory works.	<ul style="list-style-type: none"> • Retain a significant revenue stream into the Council. • Stakeholders have expressed a view that they would like the service to remain in-house. • Retain control of the business and its direction. 	<ul style="list-style-type: none"> • The funding for the statutory works has not been agreed. Although there is a reserve account, the money set aside is not sufficient. • Major capital investment, in excess of £1.6M for mercury abatement works. • Council will incur VAT on the works - £280,000 on current estimate - this may affect the Council's eligibility to recover VAT in that tax year and result in a potential cost of around £500,000. • The statutory works will require contract management which are not available within existing resources. 	<ul style="list-style-type: none"> • Maintain links with other Councils functions, e.g. Direct Services and Waste; Procurement. • Additional management support would be needed in the short term, so as not to affect other services in the EH&CP Business Unit. • Additional support would be needed from Procurement and Estates to facilitate the installation of mercury abatement works. 	Possible Option.

Management Review of Torbay Council's Cemeteries and Crematorium Service

			<ul style="list-style-type: none">• The service has no obvious link with the Council's Corporate Priorities.• There are numerous service and management issues which need to be resolved. The resolution of all these carry a reputational risk.• Specialist service covered by very few officers. Staff absences and high staff turnover make the service difficult to manage.• Subject to peaks in demand which are difficult to sustain with existing resources.• Recruitment and retention of specialist staff is difficult. Succession planning for such a specialised service is problematic.		
--	--	--	---	--	--

Management Review of Torbay Council's Cemeteries and Crematorium Service

Option	Description	Advantages	Disadvantages	Effects on Other Services	Decision
Externalise (1)	To contract out the complete provision of the service to the private sector	<ul style="list-style-type: none"> • There is a well developed specialist private sector market for this type of service. • All capital costs and project management would become the responsibility of the private sector. • Service could develop with specialist help and assistance. • The service would improve as it would be operating in a competitive marketplace. • Council would retain the capital reserve it has accumulated (£700k). • Council would retain an annual income stream at least equivalent to 	<ul style="list-style-type: none"> • Council would lose political influence over the direction of the service. • The responsibility for closed churchyards would remain with the Council, although the maintenance element could be contracted out. 	<ul style="list-style-type: none"> • Loss of income to Direct Services & Waste Business Unit, however the potential for Joint Venture Company will mean they will have to tender for work as a private company. • Release management time from Environmental Health & Consumer Protection Business Unit, and other support services, e.g. Human Resources, Finance, etc. 	Possible Option.

Management Review of Torbay Council's Cemeteries and Crematorium Service

		that currently received (when averaged over 25 years).			
--	--	--	--	--	--

Management Review of Torbay Council's Cemeteries and Crematorium Service

Option	Description	Advantages	Disadvantages	Effects on Other Services	Decision
Externalise (2)	Operate the service through an arms length management company, which is a company limited by guarantee.	<ul style="list-style-type: none"> • The Council would retain some degree of control over future direction of the service. • The Company would be controlled by the local authority, but would have some trading restrictions, but it is stand alone. 	<ul style="list-style-type: none"> • This option is akin to continuing to run the service in-house albeit with large set up costs and a new management structure which does not currently exist. • The initial set up costs of an arms length company would not be recoverable in the short term. • There is no capacity within the existing management structure to develop this process at the current time. • The Council would still have ultimate responsibility for the service and therefore its reputation and viability. • The new arrangement would have to operate as a "business" and there would be a loss of income stream 	<ul style="list-style-type: none"> • Potential loss of income to Direct Services and Waste Business Unit. 	Possible Option.

Management Review of Torbay Council's Cemeteries and Crematorium Service

			<p>into the Council.</p> <ul style="list-style-type: none">• Additional management support would be needed in the short term, so as not to affect other services in the EH&CP Business Unit (cost?)• Additional specialist support and legal advice would be required in the short term (cost?)• VAT liability would remain.• Cost of the capital works would still have to be found.• Council would still retain the liability and reputational issues associated with the service.		
--	--	--	--	--	--

Management Review of Torbay Council's Cemeteries and Crematorium Service

Option	Description	Advantages	Disadvantages	Effects on Other Services	Decision
Externalise (3)	Outsource part of the service to the private sector and run the remainder in-house.	<ul style="list-style-type: none">• There are no advantages due to the nature and scale of the existing services.	<ul style="list-style-type: none">• Not a practical solution. The Crematorium is the element which generates income and this subsidises the burials. There is no advantage to splitting the service.		Not a viable option.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Option	Description	Advantages	Disadvantages	Effects on Other Services	Decision
Externalise (4)	Sell the cemeteries and crematorium to the private sector.	<ul style="list-style-type: none"> • The Council could receive a lump sum and capital receipt for the sale. • There would be no ongoing management and support costs associated with the service. • The service would compete in the private sector market. • The Council would retain the capital reserve it has accumulated (£690k). • The Council ceases to have responsibility for issues such as reputation associated with this service. 	<ul style="list-style-type: none"> • The Council would lose an annual revenue stream. • The responsibility for closed churchyards would remain with the Council, although the maintenance element could be a separate contract. 	<ul style="list-style-type: none"> • Loss of income to Direct Services & Waste Business Unit. • Release management time from EH&CP Business Unit. • Workload implications for the Estates and Legal Services associated with the disposal of the sites. 	Possible Option.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Option	Description	Advantages	Disadvantages	Effects on Other Services	Decision
Abolish.	To discontinue burial and cremation in Torbay.	<ul style="list-style-type: none">• No service costs.	<ul style="list-style-type: none">• Reputational risk, as there is an expectation that Torbay operates cemeteries and a crematorium.• Population of Torbay would have to travel to Exeter or Plymouth for cremation.• Staff issues relating to redundancy, etc.	<ul style="list-style-type: none">• Potential loss of income to Direct Services & Waste Business Unit.	Not a possible option.

Management Review of Torbay Council's Cemeteries and Crematorium Service

Option Appraisal for each feasible option for service delivery

Option	Description	Economy	Efficiency	Effectiveness	Sustainability	Risk
Improve (1)	To continue the existing service using the in-house provider and an agree service improvement plan with guaranteed funding for statutory works.	<ul style="list-style-type: none"> • Costs of service as yet unknown. Minimum cost of mercury abatement and cremator replacement will be £1.6M. • Will incur VAT, in excess of £280,000. • No client monitoring required. • There will be additional management time required to improve the service. 	<ul style="list-style-type: none"> • Council retains control of all aspects of the service. 	<ul style="list-style-type: none"> • Implementation is only possible if the funding is guaranteed long-term. • Staff retention and management capacity are significant barriers to successful implementation. 	<ul style="list-style-type: none"> • Only sustainable if funding is guaranteed long-term. • Burials will cease in 5 years once all available space is used. • Sustainability of a small specialised team is difficult in terms of recruitment and retention. 	<ul style="list-style-type: none"> • Costs of statutory works • Reputational risk. • Ability to operate the service with limited staff and no reliable contingency. • Income generated is not ring fenced.
Externalise	To contract out the complete provision of	<ul style="list-style-type: none"> • Contract could be let on a profit 	<ul style="list-style-type: none"> • Client role would be 	<ul style="list-style-type: none"> • Well developed private sector 	<ul style="list-style-type: none"> • Sustainability would be built in to the life 	<ul style="list-style-type: none"> • Risk controlled by

Torbay Council

Management Review of Torbay Council's Cemeteries and Crematorium Service

(1)	the service to the private sector.	<p>share or minimum income guarantee basis to retain existing revenue stream.</p> <ul style="list-style-type: none"> • All capital costs associated with mercury abatement and cremator replacement would transfer to the contractor. • There will be direct costs in terms of personnel required to manage the process, e.g. legal, property and finance. 	required to monitor contract.	<p>market. Service would have to compete in the marketplace.</p> <ul style="list-style-type: none"> • Some loss of local influence, e.g. level of fees and charges. • Private sector will offer a broader range of services, e.g. memorialisation , than is currently possible. 	<p>of the contract, eg 25 years.</p> <ul style="list-style-type: none"> • Burials will cease when Torquay site reaches capacity unless contractor chooses to develop this side of the business. 	<p>contractual arrangements in place.</p> <ul style="list-style-type: none"> • Income stream to Council could be negotiated to at least existing levels.
-----	------------------------------------	--	-------------------------------	---	--	---

Management Review of Torbay Council's Cemeteries and Crematorium Service

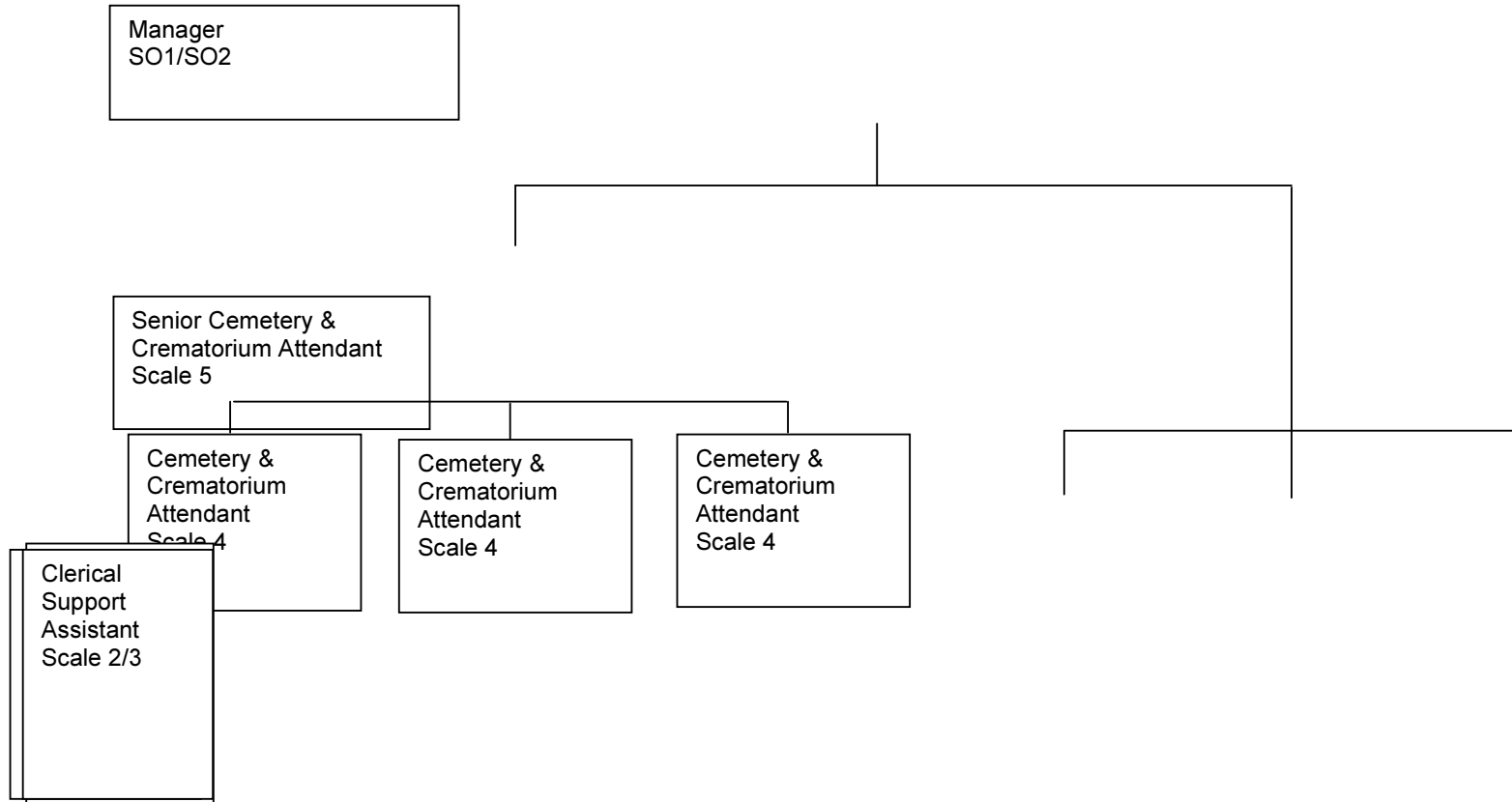
Option	Description	Economy	Efficiency	Effectiveness	Sustainability	Risk
Extern- alise (2)	Operate the service through an arms length management company.	<ul style="list-style-type: none"> Initial costs of setting up the arms-length company. This will require external resources as time and expertise do not exist in-house. 	<ul style="list-style-type: none"> Limited efficiencies as potentially the same issues will apply as with retaining the service in-house. 	<ul style="list-style-type: none"> Same issues as retaining the service in-house. The ability to deliver the mercury abatement / cremator replacement and service improvements will depend on guaranteed finance in the long-term. 	<ul style="list-style-type: none"> Difficult to sustain such a small, specialist service, without guaranteed finance in the long-term from the Council. 	<ul style="list-style-type: none"> No net benefit in short term and costs and liabilities remain with the Council.
Extern- alise (4)	Sell the cemeteries and crematorium to the private sector.	<ul style="list-style-type: none"> Council would receive a lump sum and capital receipt for the sale. No ongoing costs associated with the service. Council would retain the capital reserve. 	<ul style="list-style-type: none"> Service would be externalised, with no future involvement by the Council. Management costs to the Council would be saved. No client role required. 	<ul style="list-style-type: none"> Service would develop entirely in the private sector. Service would compete in the private sector market, and standards should increase. 	<ul style="list-style-type: none"> There is a well developed private sector market for this type of service. Loss of local influence over the service. 	<ul style="list-style-type: none"> Limited risks as private sector would assume all liabilities. Loss of annual income stream to revenue budget.

Torbay Council

Management Review of Torbay Council's Cemeteries and Crematorium Service

Appendix 1

Cemeteries and Crematorium Staff Structure



Torbay Council

Management Review of Torbay Council's Cemeteries and Crematorium Service

Appendix 2

Crematorium Refurbishment/Mercury Abatement Works VAT Implications for the Council

Cremation services are VAT exempt. This means that although there is no VAT charged to customers on cremation fees any VAT incurred in costs relating to the provision of the service (e.g. mercury abatement) is not automatically recoverable. This VAT is called 'exempt input tax'.

Local authorities can recover all 'exempt input tax' subject to an annual partial exemption 'test'. This test is where the total exempt input tax is less than 5% of the Council's total input tax in any tax year. If the limit is exceeded, the Council must pay back all exempt input tax to HM Revenue & Customs.

To date Torbay Council has remained within its partial exemption limit and recovered all VAT incurred. However, any large capital project, such as the Crematorium Refurbishment will affect the limit.

Based on the estimated capital costs of £1.6m to undertake the mercury abatement etc, the VAT of £280k could not be absorbed within Torbay Council's partial exemption limit.

There are potential ways of mitigating the impact. However, none of these will entirely remove a VAT cost.