

Cabinet

Date of Meeting: 10 July 2018

Report Title: Cheshire East Cemeteries Strategy and Cheshire East Revised Cemetery Regulations

Portfolio Holder: Cllr Don Stockton - Environment

Senior Officer: Frank Jordan, Executive Director - Place

1 Report Summary

- 1.1 The purpose of this report is to present a draft Cemeteries Strategy and draft Cemeteries Regulations for Cheshire East Council prior to their public consultation.
- 1.2 Cheshire East Council currently provides Cemeteries and Crematoria for the residents of the Borough maintained by the Council's Company, Orbitas Bereavement Services . The draft strategy is based on a thorough review of current provision and potential future need. This has been undertaken by independent consultants - Harrison Design Development.
- 1.3 The strategy concludes that there is sufficient capacity within the Council's cemeteries to meet demand for new graves for the next 30 years.
- 1.4 Furthermore, the 'catchment area' analysis in the strategy suggests that the Council might wish to consider to make Crewe Meadow Brook and Macclesfield as its two principal cemeteries.

2 Recommendations

- 2.1 That Cabinet
- 2.2 Approves the draft Cheshire East Cemeteries Strategy and Cheshire East Cemeteries Regulations for the basis of public consultation.
- 2.3 Delegates Authority to the Executive Director - Place, in consultation with the Portfolio Holder for Environment to finalise and publish the Final Strategy and Cemetery Regulations, taking account of the representations received during the consultation exercise.

3 Reasons for Recommendations

- 3.1 The steps recommended in this Strategy for the short, medium and long-term are based upon a detailed assessment of the current and future demand and capacity for burial within the Council's cemeteries, combined with a survey of demand and capacity provided by Town and Parish Councils and Churches.
- 3.2 The Strategy is informed by an awareness of the demographic and legal context for the provision and management of burial facilities.
- 3.3 The Strategy identifies the steps that are required to enable the sustainable provision of cemeteries and encourages liaison with the other providers to ensure continued provision for burial space that meets local need across the whole of Cheshire East.
- 3.4 In addition, the Cemetery Regulations have been reviewed with the aim of modernising them to reflect current and future needs. The aim will be to use the new regulations to manage our Cemeteries both diligently and sensitively for the benefit of our residents.

4 Other Options Considered

- 4.1 A cemeteries strategy is not a statutory requirement and hence the Council could continue without an adopted strategy. However, it is advised that the strategy be consulted upon and adopted to assist the Council in delivering their strategic provision of facilities.

5 Background

- 5.1 Cheshire East Council is a burial authority by virtue of the Local Government Act 1972 and is legally obliged to maintain its cemeteries 'in good order and repair'. It is not legally obliged to provide new burial space but the sale of space generates income that funds the maintenance of cemeteries and provides a service to residents. If the Council does not continue to provide new burial space to meet demand, maintenance costs will still have to be met, creating a budget shortfall.
- 5.2 The Council owns and manages 11 cemeteries within the Borough; Alderley Edge, Congleton, Coppenhall, Crewe, Knutsford, Macclesfield, Meadow Brook, Nantwich, Sandbach, Weston and Wilmslow Cemeteries. The Council has 2 crematoria located at Crewe and Macclesfield Cemeteries.
- 5.3 The research for this strategy suggests that coffin burial accounts for approximately 16 to 20 per cent of funerals in Cheshire East, with Cheshire East Council's cemeteries accommodating 8.4 per cent of all coffin burials in Cheshire East.

- 5.4 Ashes following cremation accounted for approximately 59 per cent of total burials in the council's cemeteries in 2017. Currently, Town & Parish Councils and Parish Churchyards account for approximately 8% of all burials in Cheshire East.
- 5.5 Even accounting for projected increases in the number of deaths, there is sufficient capacity within the council's cemeteries overall to meet demand for new graves for over 30 years.
- 5.6 The Strategy suggests where appropriate, the transfer of existing facilities or working to set up a trust for future cemetery provision where there is a desire to provide more local provision over and above Cheshire East's principal cemeteries.

6 Implications of the Recommendations

6.1 Legal Implications

- 6.1.1 There is no statutory duty on a local authority to provide burial facilities, but if they do so, the management is governed by the Local Authorities' Cemeteries Order (LACO) 1977.
- 6.1.2 Responsibility for maintenance of churchyards closed to further burials by Order may be transferred by the parochial church council to the relevant local authority (Local Government Act 1972, s.215). If the parish or town council does not wish to accept that responsibility, notification will need to be given to the relevant district or metropolitan council within three months. If so, the district or metropolitan council must accept that responsibility.
- 6.1.3 Disused burial grounds may also be transferred to local authorities as open spaces (Open Spaces Act 1906). Such transfers are by negotiation and are entirely voluntary. If such transfers take place, the Open Spaces Act requires the local authority to hold and administer the burial ground for the enjoyment of the public as an open space, under proper control and regulation. The burial ground must be kept in a good and decent state. The local authority may also enclose the ground and undertake works to improve the site. Where the site is or contains consecrated ground, management of the site must be authorised by licence or faculty of the Bishop. The Open Spaces Act also makes provision for the removal or relocation of tombstones and memorials. The playing of games or sports on such open spaces is prohibited unless sanctioned by the persons from whom the site was acquired, or by the Bishop in respect of consecrated ground.

6.2 Finance Implications

6.2.1 This Strategy provides the evidence and data to inform future decision-making. A number of issues are highlighted where future capital investment is anticipated. These issues will require separate business cases for each investment proposal. Short Medium and Long-term actions arising out of the strategy will be covered through the Council's 'Medium Term Financial Strategy' budget setting process.

6.3 Policy Implications

6.3.1 The Draft Strategy makes a series of recommendations which if implemented will enable the Council to maximise the capacity of the existing cemetery provision.

6.3.2 In the short and medium term, this Draft Strategy outlines a range of new policies and measures to be taken that, if adopted, will enable the Council to deliver sustainable long-term cemeteries provision for residents.

6.4 Equality Implications

6.4.1 Equality and Diversity implications will be assessed as part of the consultation prior to the adoption of the strategy.

6.5 Human Resources Implications

6.5.1 There are no Human Resources implications from this strategy document. Any projects that emerge from this strategy will need to assess HR implications as part of the project business case.

6.6 Risk Management Implications

6.6.1 A Cemeteries Strategy is aimed at providing a timely and planned consideration of the Council's responsibilities and any risks in relation to burial and cremation. This will help to mitigate any risk to the Council through a proactive assessment and timely reaction to any related risks.

6.7 Rural Communities Implications

6.7.1 The graveyards currently provided by CEC are mainly located in our towns and urban areas.

6.7.2 Town and Parish Councils within their Neighbourhood Plans can allocate a site to expand a cemetery.

6.8 Implications for Children & Young People

6.8.1 There are no specific direct implications for children and young people other than those for the general population.

6.9 Public Health Implications

6.9.1 There are no direct implications for public health other than the need to ensure that there is sufficient burial capacity within the Borough to meet the needs of the population.

7 Ward Members Affected

7.1 All wards in Cheshire East are affected.

8 Consultation & Engagement

8.1 Subject to Cabinet agreement, this draft Cemeteries Strategy will be published for public consultation for a period of 8 weeks from 20th July until the 14th September 2018

9 Access to Information

9.1 Draft Cemeteries Strategy

9.2 Draft revised Cemetery Regulations

10 Contact Information

10.1 Any questions relating to this report should be directed to the following officer:

Name: Ralph Kemp

Job Title: Corporate Manager Waste and Environment Service

Email: ralph.kemp@cheshireeast.gov.uk