



Report subject	Cemetery Regulations and Cemetery Fees Harmonisation for BCP Council Cemeteries
Meeting date	22 June 2022
Status	Public
Executive summary	<p>BCP Council are the Burial Authority responsible for the proper management, regulation, and control of all its owned and managed 9 cemeteries across the 3 towns as governed by The Local Authority Cemetery Order (LACO)1977.</p> <p>Following the formation of BCP Council under Local Government Reorganisation in April 2019, all 9 cemeteries remain governed by 3 separate legacy Rules and Regulations adopted by the then councils of Bournemouth, Christchurch, and Poole.</p> <p>Each set of these Rules and Regulations have variances in how the cemeteries are managed. The legacy Rules and Regulations are now out of date with best practice and industry regulation having changed since their adoption by the legacy councils.</p> <p>Harmonisation of the Rules and Regulations will lead to a more efficient and effective operation of all cemeteries that are compliant with industry standard best practice and conform to statutory guidance provided in the LACO.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> a) Cabinet recommends the adoption by Council of the harmonised and updated Cemetery Rules and Regulations for all nine cemeteries to be adopted from 01 September 2022. b) Cabinet recommends the adoption by Council of the harmonised cemetery fees for all nine cemeteries to be adopted from 01 September 2022.

Reason for recommendations	Provide harmonised and updated industry best practices for the management, regulation, and control of all of BCP Council's 9 cemeteries outlining accepted behaviours and to assist with the more efficient use of resources.
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Portfolio Holder(s):	Councillor Mark Anderson
Corporate Director	Jess Gibbons, Chief Operations Officer
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Wards	Council-wide
Classification	For Decision and Adoption

Background

1. BCP Bereavement Care currently manage and operate nine cemeteries:

Cemetery Name	Location
Branksome Cemetery	Upper Road, Branksome, Poole BH12 3EN
Broadstone Cemetery	Dunyeats Road, Broadstone, Poole BH18 8AF
Parkstone Cemetery	Elgin Road, Parkstone, Poole BH14 8RD
Poole Cemetery	Old Farm Road, Poole BH15 3LN
North Cemetery	Strouden Avenue, Bournemouth BH8 9HX
East Cemetery	Gloucester Road, Bournemouth BH7 6JB
Kinson Cemetery	South Kinson Drive, Bournemouth BH11 8AA
Wimborne Road Cemetery	Wimborne Road, Bournemouth BH3 7AB
Christchurch Cemetery	Jumpers Road, Christchurch BH23 2JU

2. The service also has responsibility for maintaining 8 closed parish cemeteries across BCP Council that sit outside of the Cemetery Rules and Regulations governed by LACO 1977.
3. The councils serving Bournemouth and Poole have been providing burial services since 1878 with Christchurch providing burial services since 1858.
4. There is no statutory duty on a local authority to provide burial services but if they do so, the management is governed by the Local Authorities' Cemeteries Order 1977 (LACO). Local authorities are defined as burial authorities and given the power to provide services by virtue of the Local Government Act 1972.
5. Local authorities have a legal duty to maintain cemeteries for 75 years after closure to new burials.

6. Within the BCP conurbation 88.5% of funerals undertaken are cremation, with 11.5% opting for burial.
7. Burial numbers in the last three years:

2021	2020	2019
706	507	524

8. Based on current burial demand data BCP Council has sufficient burial space for 12 years. It is however acknowledged as principally available within Bournemouth. Poole and Christchurch are critically low on available new grave space with scoping work being undertaken to source options for additional land for burial use to extend the burial capacity for both Poole and Christchurch, the findings of this work will come forward in a future cabinet paper. Poole's cemeteries are now closed to new 'virgin' grave purchases with only a limited number of reclaimed graves offered. Christchurch is currently closed to new grave purchases pending investigation and verification of burial records with the possibility of up to 100 new grave spaces being offered in the future.

Summary of BCP Cemeteries Rules & Regulations 2022

9. Cemeteries Rules and Regulations are a statutory requirement governed by the Local Authority Cemetery Order (LACO)1977, in which guidance on their content is issued on a regular basis.
10. They are also influenced by current legislation in respect to the disposal of human remains and environmental legislation, along with guidance issued by the Institute of Cemeteries and Crematorium Management. Feedback from funeral directors and members of the public has also been taken into consideration.
11. The rules and regulations are further underpinned by guidance and policies developed by the Bereavement Care team to guide applicants through the process of obtaining permissions to undertake a range of activities within the cemeteries.
12. They aim to give guidance to both funeral providers and the public:
 - a. On the legal framework and documentation that must be complied with for a burial to proceed
 - b. The types of burial permitted within current legislation
 - c. The burial processes, coffin construction and materials, the number of burials permitted within a grave, the depth of graves and their subsequent re-instatement.
 - d. Types of grave ownership, rights of ownership and their transfer,
 - e. The types & size of memorials permitted, types of constructions permitted, the materials used, permitted inscriptions, and their future maintenance responsibilities.
 - f. The general behaviour expected when using a cemetery, which cover topics such as anti- social behaviour, commercial activity & soliciting, sustainability, vehicle movements, control of dogs and filming.

13. They also aim to remove some customs & practices that have developed over time that would not comply with current LACO guidance.
14. A harmonised set of rules and regulations once adopted will enable BCP Council to align processes, procedures and documentation, whilst enabling BCP Bereavement Care to offer an aligned set of burial fees and service charges.

Summary of financial implications

15. Cremation fees, chapel fees and additional services have already been harmonised across BCP Council and implemented from 01 September 2021. Cremations remains the primary source of income for Bereavement Care in which direct cremation fees had previously been adjusted downwards in response to market forces and formed part of the adopted Bereavement Business Case 2021-2026.
16. Burial fees within legacy Poole & Bournemouth had previously been aligned with each other and are based on current market forces, service cost recovery and demand for burial within individual cemeteries.
17. Legacy Christchurch fees have been historically much lower, with differing purchasing and burial criteria, preventing the full cost recovery of facilitating burials and the ongoing cost of maintaining the cemetery. There remains very limited capacity within this cemetery for any new grave purchases from which to recover any future costs.
18. The limited number of available new burial spaces within Christchurch and Poole means that an increase in burial fees will not yield a significant increase in income. The proposed adoption is primarily focused on ensuring services and charges undertaken by BCP Bereavement Care are fair across all our residents.
19. Within Poole & Christchurch burial income is derived primarily from additional burials within previously pre-purchased graves. The lease agreements for these graves determines what additional fees can, if any, be charged for any subsequent burials. This is especially the case within Christchurch cemetery.
20. The adoption of the Cemeteries Rules & Regulations is unlikely to realise any material increase in income, although in Christchurch where burials take place the cost of the burial will be recovered and therefore not result in the small pressure the service currently experiences.
21. A new harmonised set of cemetery fees is proposed within appendix 2: Proposed Cemetery Fees 2022.

Summary of legal implications

22. There is no statutory duty on a local authority to provide burial or cremation facilities, but in doing so, they are governed by the Local Authorities' Cemeteries Order 1977 and the Cremation Regulations 2008. Local authorities are defined as burial authorities and/or cremation authorities and given the power to provide services by virtue of the Local Government Act 1972.
23. There is a statutory duty under the Public Health (Control of Diseases) Act 1984 to make funeral arrangements for a person who has died within the boundary lines of the authority where relatives are unwilling or unable to pay or where relatives cannot be found.

Summary of human resources implications

24. It is anticipated that a restructured Bereavement Care Service which will include cemetery operations will be fully utilised to deliver the cemetery service. The cemetery operations team will be made up of existing staff with the appointment of additional staff to fill vacant and new posts proposed under the new structure – within current resource levels.
25. The plan will result in the harmonisation and rationalisation of the cemetery service across BCP Council further enhancing the holistic service delivery of BCP Bereavement Care.

Summary of sustainability impact

26. An Interim Decision Impact Assessment is provided in Appendix 3.

Summary of public health implications

27. The adoption of a new set of Cemetery Rules and Regulations and the harmonisation of cemetery fees continues to enhance and support the work that BCP Bereavement Care undertakes within the community in delivering a range of services, which provides essential care and support in making essential arrangements for families at their time of need and beyond.

Summary of equality implications

28. A full Equality Impact Assessment has been undertaken.
29. No key significant impacts have been identified, by adopting a harmonised Cemeteries Rules and Regulations the service can ensure it treats all users fairly and equally.

Summary of risk assessment

30. The adopted regulation of Christchurch Cemetery has fallen behind industry best practice and regulation relating to monumental stone masonry work carried out, the practice of grave purchases and grave ownership transfers. This if left unchanged has the potential to lead to challenges being made to the Council. Having a clear, updated and harmonised set of Rules and Regulations will lead to a more efficient and effective cemetery service that is compliant with regulation in all areas of its service delivery now and in the future.
31. Christchurch's cemetery fees are not aligned with the cost of delivering the service and are set significantly lower than that of Bournemouth and Poole.

Background papers

32. None.

Appendices

33. Appendix 1: BCP Council Cemetery Rules and Regulations for its Cemeteries.
34. Appendix 2: BCP Bereavement Care Crematorium & Cemetery Fees & Charges 01/09/2021.
35. Appendix 3 Interim Decision Impact Assessment