

Gloucester City Council

Meeting:	Cabinet	Date:	30 July 2014
Subject:	Gloucester Cemeteries and Crematorium Rules and Regulations 2014		
Report Of:	Cabinet Member for Environment		
Wards Affected:	All		
Key Decision:	None	Budget/Policy Framework:	No
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Appendices:	1. Draft Rules and Regulations in respect of the Cemeteries in Gloucester		
	2. Draft Rules and Regulations in respect of the Crematorium in Gloucester		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To seek approval for a new set of Rules and Regulations for the future management of the Cemeteries and Crematorium in Gloucester.

2.0 Recommendations

- 2.1. Cabinet is asked to **RESOLVE** that

- (1) The new Rules and Regulations in respect of the Cemeteries in Gloucester as detailed in Appendix 1 are agreed and adopted for implementation from 11th August 2014.
- (2) The new Rules and Regulations in respect of the Crematorium in Gloucester as detailed in Appendix 2 are agreed and adopted for implementation from 11th August 2014.

3.0 Background and Key Issues

- 3.1 There is no statutory requirement for a local authority to provide burial space, however the public often assume that burial provision is a basic local authority function. Gloucester City Council currently provides for body burials and the interment of cremated remains. The day to day management of the Cemeteries and Crematorium is currently the responsibility of the Cemeteries and Crematorium Manager and Registrar within Neighbourhoods and Services Directorate.

- 3.2 Some form of rules and regulations for the management of Gloucester City Council Cemeteries and Crematorium has existed since the cemeteries were established. It is good practice to review policies from time to time. As a result of the latest review new rules and regulations have been written.
- 3.3. The cemeteries are areas of public open space, and as such there should always be balance between the rights of the bereaved families to enjoy an area which is intended for quiet contemplation and reflection, and the responsibility to behave in accordance with the rules and regulations governing the management of the cemeteries.
- 3.4 There are legal requirements and obligations that as a local authority we have to observe and adhere to in order to run a cemetery. The new Rules and Regulations come in two documents, one for users of the Cemetery (attached as Appendix 1) and a second one for users of the Crematorium (attached as Appendix 2). As well as covering 'local' rules these documents also include the requirements of the Local Government Act 1972 and the Local Authorities Cemeteries order 1977.
- 3.5 The Rules and Regulations for the Cemetery and Crematorium were previously in one document which caused confusion as to what related to what. So as to simplify the information handed to the Cemetery and Crematorium users the Rules and Regulations have now been split into two separate documents. In addition every effort has been made to avoid restricting the rights and choices of the individual, therefore it is proposed now to be more flexible with regards to memorials and displays. This is so as to reflect the current practice as well as to balance individual rights / information against the need to regulate for safe and tidy grounds.
- 3.6 The new Rules and Regulations will be shared with all Funeral Directors and Stonemasons that work at Gloucester Cemeteries and Crematorium whilst a 'plain English' extract of the Rules and Regulations will be issued to all new grave owners.

4.0 Alternative Options Considered

- 4.1 One option would be to have no conditions. This would however leave the City Council cemeteries without any controls which could result in over sized memorials and dangerous articles being left on graves and at memorials. This would also present a major maintenance issue and a health and safety issue for staff and the general public. The appearance of the cemetery would also suffer and it could become unsightly with the grounds becoming difficult to maintain.
- 4.2 Another option would be to continue to use the existing conditions, however these are now difficult to enforce. Due to changes over the years in options available for memorials it is good practice to review the Rules and Regulations so that they reflect these changes.

5.0 Reasons for Recommendations

- 5.1 The Rules and Regulations have been updated from the existing Rules and Regulations to reflect the current environment at the Cemetery and Crematorium and they set out clearly what is allowed. The Rules and Regulations will apply throughout the Cemetery and Crematorium.

5.2 The new Rules and Regulations will ensure a consistent standard is adopted for graves and memorials throughout the Cemetery and Crematorium.

6.0 Future Work and Conclusions

6.1 In order to be able to regulate the appearance of the Cemetery and Crematorium, Rules and Regulations are required to set a clear standard. Any Rules and Regulations must be enforceable and must reflect the current day needs and environment. It is therefore recommended that the revised Rules and Regulations attached in Appendix 1 and 2 are approved and adopted for implementation from 11th August 2014.

7.0 Financial Implications

7.1 There are no costs for the City Council.

(Financial Services have been consulted in the preparation of this report.)

8.0 Legal Implications

8.1 Local authority managed Cemeteries are subject to standards and conditions commonly grouped together as 'Rules and Regulations'. These are provided in order to inform cemetery users about aspects of the management of the cemeteries and the reasonable requirements that are applicable to all those who visit or work in the cemeteries. Clearly defined Rules and Regulations are essential in order that cemeteries can be operated in an efficient and effective manner, always with due consideration for the needs of the bereaved.

8.2 There are quite a few statutes and statutory instruments that affect the management of cemeteries and crematoria, the main ones being the Local Government Act 1972 and the Local Authorities' Cemeteries Order, referred to in the main body of the report.

(Legal Services have been consulted in the preparation of this report.)

9.0 Risk & Opportunity Management Implications

9.1 With out a set of clear Rules and Regulations for the Cemetery and Crematorium there would not be a clear standard for graves and memorials permitted on site and the Council could be exposed to legal challenge.

10.0 People Impact Assessment (PIA):

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact; therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 None

Sustainability

11.2 None

Staffing & Trade Union

11.3 None

Background Documents: Local Government Act 1972
Local Authorities Cemeteries Order 1977
Previous rules and regulations