

Gloucester City Council

Meeting:	Overview and Scrutiny Committee	Date:	8 January 2024
	Cabinet		10 January 2024
Subject:	Review of Gloucester Cemetery Rules and Regulations		
Report Of:	Cabinet Member for Performance & Resources		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
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Appendices:	1. Current Rules and Regulations (2014)		
	2. Proposed Reviewed Rules (2023 – 2024)		
	3. Summary table of rules and regulations		
	4. Westerleigh Cemetery rules and regulations		
	5. Cheltenham Cemetery rules and regulations		
	6. Forest of dean rules and regulations		
	7. Tewkesbury rules and regulations		

For General Release

1.0 Purpose of Report

- 1.1 This report outlines the changes that are going to be proposed to the rules and regulations for Gloucester Cemeteries following a decision by Council to review the 2014 rules. A public consultation is proposed, open to all but specifically inviting responses from families who use the cemeteries.

2.0 Recommendations

- 2.1 Overview and Scrutiny Committee is asked to consider the information in the report and make any recommendations to Cabinet.

Cabinet is asked to **NOTE**

- 2.2 The proposed changes to the rules and regulations of Coney Hill and Tredworth Cemeteries (Appendix 2).

Cabinet is asked to **RESOLVE** to

- 2.3 Delegate authority to the Head of Finance and Resources in consultation with the Cabinet Member for Performance & Resources to undertake a public consultation on the proposed changes.

- 2.4 On conclusion of the consultation, a report will be brought to Cabinet on the outcome of the consultation and to recommend, where appropriate, changes to the rules and regulations for Coney Hill and Tredworth Cemeteries.

3.0 Background and Key Issues

- 3.1 Rules and regulations are set in all cemeteries and church yards, this helps to keep the grounds accessible for burials and allowing the grounds staff to maintain a cemetery to a high standard. Gloucester rules and regulations are signed up to by families at the time of the burial, and they also receive another copy when they receive their deed of grant in the post a short while afterwards.

- 3.2 The Council agreed at its meeting in November 2023 to review the current 2014 Cemetery rules and regulations (shown in Appendix 1) to ensure they remain in line with industry best practice. The review included comparisons with cemeteries and church yards in our surroundings areas to ensure that the Council's rules and regulations are in keeping with industry best practice. The review concluded the rules and regulations are similar to other local providers, as seen in the summary table at appendix 3. Copies of other providers rules and regulations are available at appendices 4, 5, 6 & 7. Officers have conducted this review and the following amendments are proposed to allow us to manage the site to a high standard whilst also ensuring the health and safety of staff and public visitors are protected.

- The 3ft (91.44cm) wide x 2ft (61.00cm) depth soil border in front of the headstone currently in place will remain but families will be offered the option to have a concrete stone border that will not exceed the 3ft (91.44cm) x 2ft (61.00cm) border the stone border will not exceed 6 inches (15.24cm) in height. Allowing a concrete border in addition to the currently allowed soil or granite borders will help address affordability concerns over the cost of granite.
- The 3ft (91.44cm) x 2ft (61.00cm) border can only be of a granite or concrete material no other materials will be accepted. All stone borders placed on the grave are placed at the deed holders own risk.
- No glass of any kind to be placed on a grave
- Every grave will be grass seeded when the Council observes that the grave has reached its final settlement (approx. 12 months)
- The cemeteries are working cemeteries and machinery will be operating daily there will be occasions where we need to remove the concrete stone borders to allow us to get into excavate and prepare nearby graves. In those circumstances, we will carefully place the borders back on the grave once the preparations have finished.
- All floral tributes including plastic placed 14 days following the burial service need to be held within the 3ft (91.44cm) x 2ft (61.00cm) border. All tributes outside of the boundary will be removed 14 days following the burial service.
- Should a deed holder place anything on a grave that is not within the rules and regulations that are set they will be sent a letter with 14 days' notice to remove

items. Should removal not take place they will be removed by cemetery staff and held for collection.

3.3 The responses to the consultation will be brought back to Cabinet to consider and approve any proposed changes. Changes will come into place on 1st April 2024

3.4 The rules and regulations at time of purchase apply to the deed holder unless the deed holder wishes to utilise the subsequent rules and regulation changes following this review. As a result, there will be differing rules and regulations in operation which are initially dependent on when a deed was purchased but which may be subsequently changed if the deed holder requests to follow the latest current set.

4.0 Social Value Considerations

4.1 The review of cemetery rules and regulations will ensure the Council rules and regulations are in line with industry best practice. The Council will ensure the rules and regulations are consistently applied to all families and individuals.

5.0 Environmental Implications

5.1 N/A.

6.0 Alternative Options Considered

6.1 The Council could continue with the current rules and regulations.

7.0 Reasons for Recommendations

7.1 The Council decided to review the current rules and regulations. The recommendations propose that public consultation on proposed changes to the current rules and regulations is undertaken to ensure everybody has the option to have their say on the changes.

8.0 Future Work and Conclusions

8.1 Changes to the current rules and regulations will need to go out to public consultation. Following consultation, Cabinet will be asked to consider any responses to the public consultation and approve any changes.

9.0 Financial Implications

9.1 This report seeks to review the rules and regulations of the cemeteries. There are no direct financial implications for the Council associated with this report, however future financial implications maybe noted during the follow up report once the consultation has completed

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

10.0 Legal Implications

- 10.1 The statutory requirements in relation to local authority (“a burial authority”) maintained burial grounds are primarily contained within the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 (“the Regulations”).

Under the Regulations a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery. A burial authority may also enclose, lay out and embellish a cemetery in such manner as they think fit, and from time to time improve it, and shall keep the cemetery in good order and repair.

All local authority managed cemeteries are subject to standards and conditions known as “Cemetery Rules and Regulations”. These are designed to inform all cemetery users about the management of the cemeteries and the reasonable requirements applicable to them. A burial authority may grant to a person, burial rights to a grave space or grave, on such terms and subject to such conditions as they think proper.

There are no specific statutory provisions that require a local authority/burial authority to follow a certain procedure when amending their Cemetery Rules and Regulations. It is however good practice to undertake a public consultation before deciding whether to implement any changes.

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

11.0 Risk & Opportunity Management Implications

- 11.1 Council agreed to review the rules and regulations at the cemeteries. Failure to undertake the review would have negative reputational consequences on the Council.

12.0 People Impact Assessment (PIA) and Safeguarding:

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

13.0 Community Safety Implications

- 13.1 None

14.0 Staffing & Trade Union Implications

- 14.1 None

Background Documents: None