

Gloucester City Council

Meeting:	Cabinet	Date:	6 March 2024
Subject:	Review of Gloucester Cemetery Rules and Regulations		
Report Of:	Cabinet Member for Performance & Resources		
Wards Affected:	All		
Key Decision:	Yes/No	Budget/Policy Framework:	Yes/No
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Appendices:	1. Current Rules and Regulations (2014)		
	2. 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		
	8. Public consultation results		

1.0 Purpose of Report

- 1.1 To seek authority to amend the 2014 rules and regulations for Gloucester Cemeteries as a result of the motion agreed at Full Council November 2023.
- 1.2 Following the Cabinet meeting on 10th January 2024, the proposed changes to the rules and regulation for the Gloucester City Cemetery were promoted via public consultation between 19th January & 16th February 2024. The consultation was prompted via the survey monkey platform with users of the cemetery and funeral directors also engaged. The consultation received 128 responses, the details of which can be found at appendix 8.
- 1.3 This report outlines the changes proposed to the rules and regulations.

2.0 Recommendations

Cabinet is asked to **RESOLVE**

- 2.1 To approve the changes to the rules and regulations of Coney Hill and Tredworth Cemeteries as set out in appendix 2 with effect from 1st April 2024.
- 2.2 The public consultation on the rules and regulations should be noted.
- 2.3 All deed holders who do not comply with the rules and regulations shall receive written notification asking them to comply within 14 days.

3.0 Background and Key Issues

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 the cemetery to a high standard. Gloucester rules and regulations are signed by families at the time of the burial they also receive another copy when they receive their deed of grant in the post.

3.1 The Council has been asked to review the current 2014 Cemetery rules and regulations following the Council meeting November 2023 to ensure they remain in line with industry best practice:

- Current rules at present only allow families to have a soil boarder or a granite kerb set that is approved and fitted by a registered stone mason.
- Some families are not complying with the current rules and regulations that are in place, if we allow the deed holder to be able to place a concrete boarder as well as approved granite kerbs that are in our current rules and regulations this will give a range of options which will address affordability concerns.
- Some of the surrounds that families are currently placing on the graves are not compliant with the current rules which makes maintaining and access to graves a difficult task.
- wooden, plastic and any materials that would not withstand commercial maintenance being placed around the graves does not comply with the required rules and regulations and therefore can get damaged by the machinery used during maintenance and operation of the grounds.

3.2 The review included consultation with cemeteries and church yards in our surrounding 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 which can be seen at appendix 3. Copies of other providers rules and regulations are available at appendices 4,5, 6 & 7.

3.3 As a result of the initial evaluation of the current rules and regulations the following amendments are proposed this will allow us to manage the site to a high standard whilst also ensuring the health and safety of our staff and public visitors are met.

- The 3ft (91.44cm) wide x 2ft (61.00cm) depth soil boarder in front of the headstone currently in place will remain but families will be offered the option to have a concrete stone boarder that will not exceed the 3ft (91.44cm) x 2ft (61.00cm) boarder the stone boarder will not exceed in 6 inches (15.24cm) in height.
- The 3ft (91.44cm) x 2ft (61.00cm) boarder can only be of a granite or concrete material no other materials will be accepted.
- No glass of any kind to be placed on a grave

- Every grave will be grass seeded when the council see that the grave has reached its final settlement (approx. 12 months)
- The cemetery is a working cemetery and machinery will be operating daily there will be occasions that we will need to remove the concrete stone borders to allow us to get into excavate and prepare graves, we will place the borders back on the grave once the preparations have finished, all stone borders placed on the grave are placed at the deed holders own risk
- All floral tributes including plastic after 14 days 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.

3.4 Following the results of the public consultation, this report gives Cabinet the opportunity to consider the responses and approve any changes. Changes will come into place on the 1st April 2024

3.5 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 approved by the Council. As a result, there will be differing rules and regulations in operation which are dependent on when a deed was purchased.

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. We will ensure the rules and regulations are consistently applied to all families and individuals.

5.0 Environmental Implications

5.1 This report is to review current rules and regulations for the management of cemeteries.

6.0 Alternative Options Considered

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

7.0 Reasons for Recommendations

7.1 Changes to the current rules and regulations have been subject to public consultation.

7.2 Public Consultation ended on Friday 16th February 2024 the result of the consultation is summed up in appendix 8. The questions asked in the public consultation were based around the potential changes to the rules and regulations, looking at the collated data, feedback for the proposed changes was positive.

8.0 Future Work and Conclusions

- 8.1 Following consultation, Cabinet is now asked to consider the responses and approve any changes.

9.0 Financial Implications

- 9.1 This report seeks to review the rules and regulations of the cemetery. There are no direct financial implications associated with this report, however future financial implications maybe noted during the follow up report once the review has been 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 Full Council agreed to the review of rules and regulations at the cemeteries. Failure to undertake the review would have negative reputation 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.