

**TITLE OF REPORT: CEMETERY CAPACITY WITHIN HITCHIN****REPORT OF THE HEAD OF LEISURE AND ENVIRONMENTAL SERVICES****1. PURPOSE OF REPORT**

- 1.1 To inform Hitchin Area Committee of the decisions resulting from Cabinet on the 13<sup>th</sup> December 2011 including the results following a consultation process throughout the summer of 2011.
- 1.2 To consider the recommendations from Cabinet on the 13<sup>th</sup> December 2011 that are specific to Hitchin.

**2. FORWARD PLAN**

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan in April 2010 as part of the Greenspace Strategy amendments.

**3. BACKGROUND**

- 3.1 Cabinet on the 28<sup>th</sup> September 2010 agreed:

1. To adopt Wilbury Hills Cemetery as a district wide facility
2. To encourage and promote its use as a district wide facility

In addition that the proposed Policy for Cemeteries, that will provide some longevity in the existing cemeteries in the towns of Royston, Baldock and Hitchin, be referred for consultation to the Area Committees.

- 3.2 Subsequently Cabinet on the 22<sup>nd</sup> March 2011 agreed:

- 1 That an extension to 31 December 2011 in implementing the burial policies affecting Hitchin, Baldock and Royston be agreed, as detailed in Section 4 of the report;
- 2 That the results of the further work to be undertaken be reported to Cabinet for further consideration in due course, and that officers report at the earliest opportunity to Cabinet on a method by which any expressions of interest may be worked up to produce schemes for the development of future cemetery provision in Hitchin, Baldock and Royston.

3.3 The District Council currently manages cemeteries in the following locations:

Royston – two sites either side of Melbourne Road  
Baldock  
Letchworth – Icknield Way and Wilbury Hills  
Hitchin  
Knebworth

3.4 Following Cabinet in March 2011 a consultation exercise was undertaken. This involved contacting all known groups, organisations, undertaker(s) religious leaders, resident associations, community groups and churches throughout the district. Two hundred and fifty four letters were posted and thirty five responses were received. In addition adverts were placed in the local press and Outlook.

3.5 Of the 35 responses received, four organisations expressed an interest to investigate the opportunities for developing cemetery provision in the future.

The responses expressing an interest to investigate options further were received from:

Cemetery Development Services – A private organisation  
Ashwell Parish Council  
Royston Town Council  
St Mary's Church, Baldock

3.6 An overview of the responses is as follows:

Cemetery Development Services are offering their expertise to develop a cemetery with a crematorium somewhere in the district as a commercial venture.

Ashwell Parish Council are investigating the potential of extending their current churchyard for the parishioners of Ashwell.

Royston Town Council are investigating the potential options of developing a new facility local to Royston.

St Mary's Church, Baldock would like to explore the options available to the church.

3.7 No formal responses has been received from any organisation or individual regarding the situation at St John's Cemetery, Hitchin. However Reverend Roden of St Mary's Hitchin has discussed the situation with Officers and Cllr Burt at a meeting of the 22<sup>nd</sup> September 2011. Rev Roden proposed that burials could be undertaken between existing graves in the older sections of St John's Cemetery. Further research has shown that the only sure way to know exactly where previous burials would be located is to undertake excavation, which would be expensive and will generate extensive negative publicity and is therefore not a practical option at this stage.

3.8 In addition, an independent expert was commissioned to investigate the circumstances at North Herts and to review the legal implications regarding re use of graves that are pertinent to Hertfordshire. The expert, Peter Mitchell, has also provided advice regarding Revd. Roden's proposal above in 3.7 that has lead to the conclusion identified.

- 3.9 Since the conclusion of the consultation exercise in June 2011 Royston Town Council has developed a working party consisting of local Town Councillors, undertakers and professional advice provided by the Service Manager for Grounds. This working party subsequently identified 11 potential locations for a new cemetery adjacent to Royston. Work was undertaken to approach each land owner in turn and one specific location has been identified as being suitable subject to various approvals.
- 3.10 Ashwell Parish Council are keen to extend their current provision and the Service Manager for Grounds will provide advice as required. This will provide extended capacity for Ashwell but due to the distances involved between Ashwell, Baldock and Royston it is unlikely that this new provision will resolve the concerns previously raised relating to the NHDC cemetery provision.
- 3.11 St Mary's Church, Baldock have identified a plot of land that could be used as a cemetery in the future. However there is reluctance to pursue this and manage any new facility if it is not to be undertaken by the District Council. This has been discussed with Rev Holford with Officers and Cllr Burt on the 22<sup>nd</sup> September 2011 that confirmed this situation. This therefore leaves a number of options available for the existing cemetery. The options are a) apply the policy as originally intended on the 1<sup>st</sup> January 2012, b) apply the proposal as suggested for St John's Cemetery below albeit on a smaller scale or c) permit the cemetery to be used until capacity is reached and then relocate all burials including burial of ashes to Wilbury Hills.
- 3.12 The employed expert consultant identified numerous limitations regarding the re use of graves. However it has been identified that in St John's Cemetery, Hitchin that the burial of ashes could be accommodated in the older sections of the cemetery adjacent the chapel. Unfortunately due to the presence of memorials or evidence of visiting relations this would only be possible elsewhere on a much reduced scale.
- 3.13 St John's Cemetery Hitchin does have significant areas that have already been used for burials that do not have any memorials. While there is the potential future need to use some of this space for cremated remains, the Service Manager for Grounds considers that this would be a viable location for the development of a Garden of Remembrance that could also accommodate the scattering of ashes and become a new feature within the cemetery for everyone to enjoy.
- 3.14 There has been considerable consultation and consideration given to the options available for Royston and the conclusion is that more time is required for Royston Town Council to develop a detailed and sustainable business case. This business case will need to identify how a new cemetery will be operated, including funding and how it will meet the needs of local residents.

#### **4. KEY CONSIDERATIONS**

- 4.1 That with reference to St John's Cemetery, Hitchin Rev Roden on behalf of his congregation has expressed a preference for burial capacity is used for traditional burials until the site has reached full capacity, when this provision will then be diverted to Wilbury Hills. However due to the size of the existing ashes section and the option to re use old grave spaces for ashes that the burial of cremated remains is retained as an option for residents in the future.
- 4.2 The option of developing a Garden of Remembrance at St John's Cemetery is considered further with the option of future funding from the Hitchin Area Committee.

- 4.3 While the circumstances of cemetery capacity are all very similar in Hitchin, Baldock and Royston the evolution of a solution has been very different in each location. It has been acknowledged that while Cabinet has previously agreed the implementation of policies to manage the District Council's facilities it is becoming obvious that each local community is responding in a local manner. Therefore it has been agreed that the Strategic Director for Customer Services, in consultation with the Portfolio Holder and taking account of the views of the Area Committee, will decide when the policy is finally implemented.
- 4.4 Cabinet Recommendations from 13 December 2011 relevant to Hitchin.
- a) That Cabinet further suspend implementation of the new Cemetery Policy adopted on 25<sup>th</sup> January 2011 pending the steps set out in the recommendations below.
  - b) That the Strategic Director for Customer Services in consultation with the Portfolio Holder for Waste and Recycling, and subject to reference to the appropriate Area Committee to take account of their views, to decide in relation to:
    - c) St John's Cemetery, Hitchin the timing of when to divert burials to Wilbury Hills with regard to the implementation of the new Cemetery Policy and whether St John's Cemetery be first allowed to reach full capacity.
    - d) St John's Cemetery, Hitchin to decide if cremated remains continue to be buried within the existing Ashes Section or within areas already used for burials.
    - e) St John's Cemetery, Hitchin to decide whether to develop a Garden of Remembrance subject to funding being available;
    - f) In accordance with the Cabinet Meeting dated 25<sup>th</sup> January 2011 Minute 92(3), that Cabinet further note that officers may provide assistance to any third parties seeking to develop a business plan to provide cemetery provision, including Ashwell Parish Council's proposed cemetery extension.

## **5. LEGAL IMPLICATIONS**

- 5.1 Area Committees within their terms of reference may "provide local input into centrally determined specifications for all services". In accordance with the Cabinet decision of 13 December 2011 the Strategic Director of Customer Services will decide upon the timing of the implementation of the Cemetery Policy with the Area Committee having an opportunity to provide its views.
- 5.2 As a burial authority under section 214 Local Government Act 1972 the District Council has a statutory duty to provide facilities for the burial of the dead on behalf of the community it serves. However there is no stipulation that this duty has to be delivered locally or centrally.
- 5.3 There are no specific Legal Implications whilst officers continue to investigate the future provision of burial services, although further legal consideration may be necessary once the detail of the proposals are confirmed, for example if the availability of the additional land in Royston is investigated.

## **6. FINANCIAL RISK IMPLICATIONS**

- 6.1 Acquisition of land or expansion of the existing cemeteries footprint would likely entail capital investment and additional long term revenue implications to maintain the new facilities.

## **7. RISK IMPLICATIONS**

- 7.1 Potential risks could be associated with a general concern by local residents once historic or traditional burial sites are closed and families are required to visit the deceased at another site.

## **8 HUMAN RESOURCE AND EQUALITIES IMPLICATIONS**

- 8.1 The Council incorporates the statutory equalities duties which apply to all its activities into policies and services as appropriate, as set out in the Council's Corporate Equality Strategy. We also recognise that in our society, groups and individuals continue to be unfairly discriminated against and we acknowledge our responsibilities to actively promote good community relations, equality of opportunity and combat discrimination in all its forms.
- 8.2 During the development and consideration of service and budget planning options the impact of equality of access and outcomes should be considered.

## **9. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 9.1 254 letters have been posted to individuals, organisations, community groups, Councillors, voluntary groups, Town and Parish Councils and industry experts. In addition adverts were placed in the local press for two weeks, and an article was included within Outlook and also on the NHDC web site.

## **10. RECOMMENDATIONS**

- 10.1 That the Area Committee provides its views and or comments on the timing of the implementation of the Cemetery Policy in respect of Hitchin.

## **11. REASONS FOR RECOMMENDATIONS**

- 11.1 To ensure that a consistent and highly valued burial service is delivered to the residents of North Herts in the future.

## **12. AUTHOR**

- 12.1 Andrew Mills                      x 4272                      andrew.mills@north-herts.gov.uk  
Service Manager Grounds

### **13. CONTRIBUTING OFFICERS**

- 13.1 John Robinson      x4655      john.robinson@north-herts.gov.uk  
Strategic Director Customer Services
- 13.2 Vaughan Watson      x4641      vaughan.watson@north-herts.gov.uk  
Head of Leisure and Environmental Services
- 13.3 Anthony Roche      x4588      anthony.roche@north-herts.gov.uk  
Senior Lawyer

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