

TITLE OF REPORT: CEMETERY CAPACITY WITHIN NORTH HERTS

REPORT OF THE HEAD OF LEISURE AND ENVIRONMENTAL SERVICES

PORTFOLIO HOLDERS: COUNCILLOR PETER BURT

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet the results following a consultation process and review of the current situation following Cabinet in March 2011 when the implementation of new policies was delayed until January 2012 to allow this further process of research to be completed.
- 1.2 To consider and agree the amended policies as recommended in item 10

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 28th 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 22nd 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 22nd 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 Rev 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 22nd 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 1st 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.
- 3.15 During the process of consultation a private company NPK Holdings in Royston have independently applied for a change of use under planning legislation to a piece of land neighbouring St John's Cemetery for future cemetery use. This is a solely private venture and the planning application does not identify how the site will be used, what policies will be implemented or any other criteria that might be applied. As such this development should be considered as a potential contribution towards a solution for Royston and therefore the progression of a facility managed by the Town Council for all residents of the Town will continue until more detail is made public regarding this independent initiative.

4. KEY CONSIDERATIONS

- 4.1 The Service Manager for Grounds is confident that the proposals so far discussed with Royston Town Council are potentially viable that the Policy to limit burials in Royston from the 1st January 2012 is delayed for a further six months. This extension will enable Royston Town Council the time to conclude their investigations regarding the individual piece of land identified and to develop a business plan to support their future proposal.
- 4.2 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.
- 4.3 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.
- 4.4 The Service Manager for Grounds assists Ashwell Parish Council as required to developed their proposed cemetery extension.
- 4.5 The situation at Baldock is currently evolving with the development of a group of residents and local Members, which has met once on the 28th October 2011. Progress regarding the development of a new cemetery is still at the initial stages and is not as advanced as in Royston. Without implementing a further delay regarding the proposed policy the options also include permitting the cemetery to reach full capacity and that smaller areas of ground are continued to be used for the burial of cremated remains. Once the cemetery has no further capacity burials will then be diverted to Wilbury Hills. This will also provide St Mary's Church with the time to progress their individual option if they so desire.
- 4.6 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. Therefore it is proposed 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 would be feasible for the relevant Area Committee's to decide if the policy is finally implemented or that the existing facilities are allowed to reach capacity when burials would be diverted to Wilbury Hills in the absence of any alternative provision locally.

5. LEGAL IMPLICATIONS

- 5.1 Within Cabinet's terms of reference are "to prepare and agree to implement policies and strategies other than those reserved to Council" and "to oversee the provision of all the Council's services other than those functions reserved to the Council".
- 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 The Policy to limit burials in Royston from the 1st January 2012 is delayed for a further six months until the 1st June 2012. This extension of time will enable Royston Town Council to further investigate and develop their proposal into a sustainable business plan that can be considered by Cabinet in May/June 2012. Failure to provide an acceptable business case would result in the proposed policy being referred to Royston Area Committee in June/July 2012 for implementation or deferral until the current cemetery provision reaches capacity when, with no alternative in place, burials will be diverted to Wilbury Hills.
- 10.2 St John's Cemetery, Hitchin that a decision regarding implementation of the proposed policy is referred to the Hitchin Area Committee. That the Area Committee decides if the policy is implemented or that the cemetery is allowed to reach full capacity when burials will be diverted to Wilbury Hills. In addition that cremated remains continue to be buried at St John's Cemetery within the existing Ashes Section or within areas already used for burials as identified and recommended within the independent report.

- 10.3 The option of developing a Garden of Remembrance at St John's Cemetery is considered further by the Area Committee including the option of future funding from the Hitchin Area Committee.
- 10.4 The Service Manager for Grounds provides professional advice to Ashwell Parish Council as required to develop their proposed cemetery extension.
- 10.5 The situation at Baldock is also referred to the Baldock Area Committee to identify a decision regarding the implementation of the proposed policy or that the cemetery at Baldock is also permitted to reach full capacity and that smaller areas of ground are continued to be used for the burial of cremated remains. Once the cemetery has reached its capacity burials are automatically diverted to Wilbury Hills. This will also provide St Mary's Church with the time to progress their individual option if they so desire.

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 x 4655 john.robinson@north-herts.gov.uk
Strategic Director Customer Services
- 13.2 Vaughan Watson x 4641 vaughan.watson@north-herts.gov.uk
Head of Leisure and Environmental Services