

CABINET MEETING

DATE: 14th April 2026

PART 1 – PUBLIC DOCUMENT

Any queries must be directed to the Democratic Services Manager

**TITLE OF REPORT: North Herts Council: Arrangements for carrying out
Public Health Funerals**

REPORT OF: Director - Regulatory

EXECUTIVE MEMBER: Cllr Mick Debenham, Executive Member for Regulatory

COUNCIL PRIORITY: ACCESSIBLE SERVICES / SUSTAINABILITY

1. EXECUTIVE SUMMARY

The purpose of this report is to provide the key information to enable North Herts Council (the Council) to adopt the Policy to accommodate the provision for carrying out Public Health Funerals in accordance with obligations placed on the Council by section 46 of the Public Health (Control of Diseases) Act, 1984 (the Act).

2. RECOMMENDATIONS

- 2.1. It is recommended that Cabinet adopt the Policy as presented.
Please note that this format has been adopted as this document is made available to our residents to help them through the requirements necessary to arrange a funeral should they need to.
- 2.2. It should be noted that under the provisions of section 46 of the Act, each local authority has the responsibility to make necessary funeral arrangements for anybody who dies in their district where no other suitable arrangements are being or are likely to be made. This policy sets out how the Council will deliver this duty and outlines the limitations of this obligation.
- 2.3. The policy sets out what measures will be followed to try to locate a will, identify relatives who may wish to arrange the funeral and identify anything of value to try to offset funeral costs. The policy also confirms that should the Council arrange the funeral, we will provide a simple but dignified service administered by a minister, a representative of another faith or a civil funeral celebrant as well as permitting friends and family to attend the service.
- 2.4. The policy also seeks to delegate future amendments of this Policy to the Director – Regulatory in consultation with the Executive Member for Regulatory in accordance with the provisions of the Council’s Constitution.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The reason for recommending the approval of this Policy is to enable the Council to clearly state how it intends to meet its obligations under the Act, whilst putting in place limitations against the unreasonable use of public funds and to protect the reputation of the Council and the officers involved.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council has the statutory duty to fulfil the obligations placed on it by sections 46 of the Act, but it is for the Council to decide how this is achieved. Rejecting this Policy will mean that the Council will continue to deliver this statutory duty via the administration and discretion of officers in the Environmental Health team thereby limiting the protections and discretion afforded to the Council and its officers by this Policy. Therefore, rejecting this policy is not an option that should reasonably be considered.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. As this Policy states how the Council will meet its obligations under the necessary provisions of the Act, the scope for local interpretation as to how compliance is achieved is limited. As such, consultation was limited to key Elected Members, Senior and selected other Officers in the Council and the Council's existing contracted funeral provider.

- 5.2. Consultation took place between 15th January 2026 and the 1st February 2026.

- 5.3. The Consultees were:

Councillor Mick Debenham, Executive Member for Regulatory
Councillor Matt Barnes, Shadow Member for Regulatory
Councillor Michael Muir, Shadow Member for Regulatory
Anthony Roche, Chief Executive
Jo Doggett, Director – Regulatory
Isabelle Alajooz, Director – Governance
Johanne Dufficy, Director – Customers
Steve Crowley, Director – Enterprise
Nigel Smith, Director – Place
Ian Couper, Director – Resources
Sarah Kingsley, Director – Environment
Alan North, Service Manager, Green Space
Neil Fairey, Cemeteries and Area Monitoring Officer
Lucy Tucker, Team Manager – Environmental Protection and Housing
Officers of Environmental Health Commercial Team
Neville Funeral Service, current funeral contractor for the Council

- 5.4. Responses to the consultation were received from:

Neville Funeral Service
Suzanne Lane, officer of Environmental Health service

- 5.5. All responses were considered and where appropriate, the Policy was amended to its current, presented form.
A summary of the responses and their impact on the Policy is given in Appendix B.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 19th December 2025.

7. BACKGROUND

- 7.1. This report has been written to enable the Council to adopt a policy which clearly sets out how it will comply with the statutory duties stated in section 46 of the Public Health (Control of Diseases) Act, 1984. These require the Council to make necessary funeral arrangements for anybody who dies in their district where no other suitable arrangements are being or are likely to be made. Deaths occurring in other districts, even if the deceased is a resident of North Herts fall outside of this obligation, except when a resident dies at The Lister Hospital in Stevenage whilst undergoing treatment, or in transit as part of their treatment plan, see 8.4.a. below.
- 7.2. Other than requiring the Council to make the necessary arrangements, the Act does not detail what shall or shall not be provided by such arrangements. This policy sets out how the Council will deliver this duty and outlines the limitations of this obligation.
- 7.3. The Council will seek to find a will outlining the wishes of the deceased insofar as the disposal of their estate is concerned, details of next of kin or another person willing and able to undertake the funeral. Where such information is found, the Council will not be involved in the funeral arrangements. However, where it is left to the Council to undertake the funeral, the Council will also seek to recover its costs, in accordance with the provisions stated in the Act.
- 7.4. The Council is not empowered to administer any aspect of any remaining estate. Once the Council has recovered its costs, if there are no family members, the Council will refer the case to the Government Legal Department to ensure the correct and proper disposal of any property. Where the Council has removed some non-value possessions, it will retain these for a defined period unless requested by the family of the deceased. Similarly, if officers must secure the property, the keys will be retained by the Council until requested by the family. If no such request is received, or where there is no family, this aspect will also be referred to the Government Legal Department.
- 7.5. Whilst the Council may make available to the public limited information about the deceased to enable heir hunters to look for next of kin or other beneficiaries, the Council will not specifically work with such agencies. Furthermore, where it appears to the Council that such agencies request unreasonable delays to the funeral to enable them to find beneficiaries, this will not be permitted, and the funeral will take place within a reasonable and appropriate time.

8. RELEVANT CONSIDERATIONS

- 8.1. The Act requires the Council to make adequate provision for funerals for those who die in its district where no other arrangements are or are likely to be put in place. It does not, however specify how the Council should undertake this duty, and allows the Council to impose its own considered limitations, both in the scope of what may be considered, and the restrictions limiting the funeral.
- 8.2. The funeral undertaken by the Council will be respectful with a service appropriate to the beliefs of the deceased and will appear no different to any other simple ceremony but will aim to achieve the most appropriate use of public funds. As such, requests for additional items, e.g., flowers, grave markers, etc., cannot be considered.
- 8.3. Unless the deceased gave special instruction in their will for them to be cremated, and provided there is sufficient funding in their estate, the Council will only provide a burial. The Council will not accept any additional funding for additional services as part of the burial. If family, friends or others specifically wish for the deceased to be cremated, e.g., to assist in transporting the remains of the deceased elsewhere, or for any other specific requests, these will not be accommodated by the Council.
- 8.4. The Council will not become involved:
 - a. If the deceased died outside of the district. The only exception to this is if they died whilst being an in-patient at The Lister Hospital in Stevenage, or whilst being transported to or from there for treatment. This is due to guidance offered by the Department of Health in 2005 moving this responsibility from the hospital to the local authority of the hospital, and us supporting Stevenage Borough Council in this matter as there are no similar hospitals in our district.
 - b. If there are other arrangements already or likely to be put in place, as this indicates that alternative arrangements and funding are available.
 - c. If the funeral has already taken place, the Council will not refund any aspect of the costs, as this shows alternative arrangements were available.
 - d. If a will has been made indicating how the estate should be settled and sufficient funds are therefore available to accommodate the funeral.

9. LEGAL IMPLICATIONS

- 9.1. The Public Health (Control of Diseases) Act, 1984, section 46, imposes a duty on the Council to make necessary funeral arrangements for anybody who dies in the district where no other arrangements are in place, are being put in place or are likely to be put in place. That is, where the deceased has no family, no prior arrangements are in place or there is no will.
- 9.2. The Cabinet's Terms of Reference are provided under the Council's Constitution at paragraph 5.7.15; "To oversee the provision of all the Council's services other than those functions reserved to the Council", and paragraph 5.7.28; "To make a decision where a policy or strategy does not exist."

- 9.3. In considering delegating future decisions affecting this Policy, the Cabinet's Terms of Reference are provided in paragraph 14.6.2: "This scheme [of delegating powers to officers] operates under Section 101 of the Local Government Act, 1972 (council functions) and sections 9E Local Government Act, 200 (executive functions), as facilitated by paragraph 14.6.11(b)(iv).
- 9.4. In approving this Policy, the Cabinet would therefore be acting in accordance with the Council's constitution and to confirm how the Council will fulfil its statutory duties.

10. FINANCIAL IMPLICATIONS

- 10.1. This Policy sets out how the Council will fulfil its legal obligations under the Act. It does not seek to challenge the funding already provided to deliver this service. As such, this Policy imposes no additional revenue, capital or other financial burdens beyond those already in place for this service.

11. RISK IMPLICATIONS

- 11.1. The Council has a statutory duty under the Act to make the necessary arrangements to accommodate the provision for carrying out Public Health Funerals for anybody who dies in their district where no other suitable arrangements are being or are likely to be made for the funeral of the deceased. Thus far, the management of this duty has been undertaken by officers appointed to the role, and it has been under their discretion as to how this duty has been met. Although this measure has thus far been appropriate, proportionate and correct, continuing to do so without a clear policy to define permitted boundaries poses unnecessary risks to the Council and the officers concerned.
- 11.2. By adopting this policy, the degree of flexibility available to the officers concerned is defined, therefore limiting the potential risks posed to the Council should any decisions be made which, although legal and in accordance with the Act, are unpopular or felt to be inappropriate.
- 11.3. As well as providing the Council protection to these potential risks, these limitations also afford protection to the officer undertaking this work, enabling them to act in accordance with the Council's adopted Policy, as well as the Act.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. As this Policy only sets out how the Council will fulfil its legal obligations under the Act, there are no equalities implications associated with this.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. As the recommendations in this report apply only to how the Council will fulfil its obligations under the Act, the Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to the Policy or this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Whilst the Policy and this report outline how the Council will fulfil its obligations under the Act, it provides those officers involved in this role with the protection afforded by an adopted Policy. Although there is little scope for variation in how the Council meets its obligations, those that are in place are sometimes challenged, and this Policy, once adopted enhances the protection available to officers.
- 15.2 The Council already undertakes this work, and it is recognised as a role for the officers in the Commercial Team of Environmental Health. This Policy therefore does not seek to add any additional burden on the existing workforce nor seek to increase the existing workforce.

16. APPENDICES

- 16.1 Appendix A: The Public Health (Control of Diseases) Act, 1984, section 46
- 16.2 Appendix B: Summary of the responses to the Consultation with indication as to whether they led to any alteration of the draft Policy.
- 16.3 Appendix C: Comparison of costs for Cremation compared to Burials at the Council Burial Ground in Letchworth.

17. CONTACT OFFICERS

- 17.1 Report author: Frank Harrison, Environmental Health Manager, frank.harrison@north-herts.gov.uk; ext. 4861
- 17.2 Lead Officer for the provision of Public Health Funerals: Liz DeVere, Commercial Team Manager, Liz.DeVere@north-herts.gov.uk; ext. 4520

18. BACKGROUND PAPERS

- 18.1 All background papers are included as appendices in section 16.