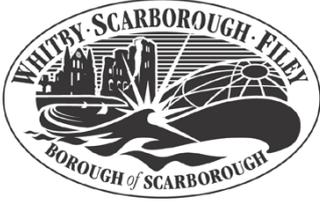


'A' ITEM

	REPORT TO CABINET TO BE HELD ON 12 December 2017
	Key Decision YES Forward Plan Ref No n/a
Corporate Aims Place/Council	Cabinet Portfolio Cllr Bill Chatt Holder

REPORT OF: Director (LD) - 17/267

WARDS AFFECTED: All

**SUBJECT: ENFORCING THE MEMORIAL DECORATION POLICY
IN THE COUNCIL MANAGED CREMATORIUM AND CEMETERIES -
PROPOSED ACTION PLAN**

RECOMMENDATION (S):

To seek approval from members to implement an action plan to improve/address current issues over enforcement of the Council's policy on memorial decorations at the crematorium and cemeteries it manages.

REASON FOR RECOMMENDATION (S):

There are issues around effective enforcement of the existing memorial decorations policy, especially with regard to the Woodlands Drive cemetery site in Scarborough

HIGHLIGHTED RISKS:

See Risk Matrix.

1. INTRODUCTION

1.1 Reports reviewing the Borough's Cemetery and Crematorium Regulations, in relation to the memorial decoration policy (the policy), were discussed at the Council's Overview and Scrutiny Board meetings on 22 February 2017 (reference 17/051) and 1 November 2017 (reference 17/300). As a result of the first meeting a full survey was undertaken to identify all breached memorials at Woodlands Crematorium and cemetery. The outcome of the

second meeting was to recommend a programme of actions to deal with the problems found as a result of this survey.

- 1.2 A copy of the current Cemetery and Crematorium Regulations (the regulations) is shown in **Appendix A**.
- 1.3 The main aspects in the regulations covering floral tributes and memorial decorations policy are shown on pages 5, 7, 8, 9, 10 to 12 in **Appendix A**.
- 1.4 All of the Council's applications for interment, whether for graves or cremated remains, have an extract from the regulations, which outlines the rules governing memorial decorations. Applicants sign to agree to comply with the regulations.
- 1.5 The regulations apply to the following locations: Woodlands Drive Crematorium and cemetery, Scarborough; Dean Road/Manor Road Cemetery, Scarborough and Larpool Cemetery, Whitby.

2. CORPORATE AIMS

- 2.1 An effective memorial policy, which is appropriately implemented and enforced, contributes to "Place" and "Council" priorities within the Council's Corporate Plan.

3. BACKGROUND AND ISSUES

- 3.1 The rules governing memorial decorations in the regulations were being complied with at Dean Road/Manor Road cemetery and to a lesser extent at Larpool cemetery. There are a few examples of "breached" memorials on graves in Larpool, but this is small in comparison with the numerous examples at the Woodlands cemetery site.
- 3.2 As a result of the above observations, a systematic survey of Woodlands Crematorium and cemetery has been undertaken to quantify the extent of the breached memorials. A summary of the findings of this survey are reproduced in **Appendix B**.
- 3.3 The headline issue from **Appendix B** was that over 400 breached memorials were identified at Woodlands Cemetery. The vast majority of breaches of the memorial decoration policy (the policy) come under the following three categories:
 - The Erection of stone or marble kerbs (allowed in older sections only), fences or chippings to enclose cremation and cemetery memorials (see pages 7 and 11 of **Appendix A**);
 - Erection of unauthorised memorials in the form of trees and bushes (see page 7 of **Appendix A**);

- Placing of flowers, small potted plants or heather beyond the permitted 18” for full graves and 12” for cremated remains graves in front of the memorial stone (see pages 7 and 11 of **Appendix A**);
- 3.4 A survey of Larpool cemetery to quantify the exact extent of breached memorials has yet to be conducted, but it should be noted that Council officers have started to address this matter. In recent months two breached memorials at grave plots have been removed and a third case pending, following a recent decision from the Local Government Ombudsman.
- 3.5 The main reasons for there being a particular problem with non-compliant memorial decorations at Woodlands cemetery and to a lesser extent at Larpool cemetery are summarised below:
- Most non-compliant decorations are found on the most recent grave plots or memorial plaques. Over the passage of time, steps are taken by on-site grounds maintenance staff to remove decorations that become unsightly, due to them becoming damaged or dying (in the case of flowers/plants). Due to the sensitive nature of such examples and the still painful bereavement process the families may be going through, it is important to take a tactful and careful approach in such cases. If families refuse to remove non-complaint decorations, following informal approaches made by the Council, then the regulations have not been consistently enforced due to the risk of adverse publicity, should a family go to the local media.
 - There are only very limited staff resources available to proactively enforce the Council’s policy.
 - There is an ambiguity over the use of the two full time Woodlands cemetery gardeners to assist Bereavement service staff in enforcing the Policy. This is due to the fact that they are not part of this team, but fall within the Parks and Countryside service. Therefore, any requests made for these gardeners to carry out specific work, other than their normal daily tasks, would have to go via their line manager, the Deputy Parks and Countryside Manager.

4. CONSULTATION

- 4.1 The proposed action plan reproduced in **Appendix C** was considered and recommended for adoption by the Council’s Overview and Scrutiny Board at its meeting on 1 November 2017.

5. ASSESSMENT

- 5.1 The current cemetery and crematorium regulations are adequate in terms of their content. However, due to the combination of reasons outlined in paragraph 3.5 of this report, enforcement of the rules governing cemetery/crematorium memorial policy has been inconsistent and patchy in relation to the Council’s crematorium and cemeteries.

5.2 There are a number of solutions, which are reflected and summarised in **Appendix C**. These include the following:

- Implementing a programme to build up and maintain awareness and understanding of the Council's Policy. The proposed action plan recommends a number of strands to this from use of clear and conspicuous public notices, clear advice and signposting on our web-site and providing on-going advice to our funeral directors to ensure they have sensitive conversations concerning the policy's requirements with their clients at the start of the process. Furthermore, it is proposed to undertake appropriate and periodic press and media activity to explain the reasons for our memorial decorations policy. Members will note that public notices have already been delivered and are in the process of being erected at the entrances/exits of our cemeteries and near to grave plots that have the most serious breaches to our Policy.
- It should be noted that the action points relating to how the Council prioritises and targets its proposed enforcement activities (action points 2) and 3)), require close liaison with the relevant staff in the Parks and Countryside service. This process has started to build up joint closer working between them and our Bereavement service. It was considered that the two full gardeners continue to report directly to Parks and Countryside service, where the appropriate expertise rests in relation to horticultural matters.
- The proposed action plan formally sets out a more systematic, fair and rigorous approach to enforcement for dealing with not only existing breaches of the Policy, but also for all new grave plot sections introduced at Woodlands or Larpool cemeteries. The rationale of a more targeted enforcement approach around dealing first with the older grave plots and by one grave section at a time is to make the best use of very limited staff resources to manage the process. Through experience of dealing with breaches of the Policy at Larpool Cemetery, it is time consuming (with two out of three recent examples not only exhausting the Council's Corporate complaint system, but also going to the Local Government Ombudsman (LGO); a "blanket" approach of trying to have whole sections of breached memorials removed at the same time is just not a viable option.

6. IMPLICATIONS

Policy

6.1 There are no new policy implications for the Council that arise from this report.

Financial Implications

6.2 No implications at this point in time.

Legal

6.3 The Council's existing crematorium and cemetery regulations contain adequate powers to address the range of memorial decorations that do not

comply with its rules. There are no new legal implications arising from this report.

Equality and Diversity

6.4 No implications.

Communications

6.5 See paragraph 5.2 in this report and the content within the action plan (**Appendix C**) which outline how these proposals are intended to be publicly communicated.

6.6 I have considered whether the following implications arise from this report and am satisfied that there is no identified implication that will arise from this decision: staffing, planning, Crime and Disorder, Health and Safety and Environmental.

7. ACTION PLAN

7.1 Approve the action plan reproduced in **Appendix C** for adoption in relation to proposed enforcement of the Council's memorial's policy in the crematorium and cemeteries it manages.



Lisa Dixon
Director

Author: Jonathan Bramley, Environment and Regulation Manager

Telephone No: 01723 232506

E-mail address: jonathan.bramley@scarborough.gov.uk

Background Papers:

None.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	23 November 2017	Risk to the Council's reputation (in terms of the adverse décor and appearance of Woodlands cemetery) by not effectively addressing the ongoing issues with non-compliant memorial decorations.	On-going complaints from visitors to the cemetery.	Better, more focused and coordinated approach or approaches to enforcing the memorial policy.	C3	B2	Jonathan Bramley	
2	23 November 2017	Additional and unproductive use of staff resources in maintaining untidy grave plots in the cemetery.	As above.	As above.	C3	B2	Jonathan Bramley	
3	23 November 2017	Families unhappy that their deceased loved ones' non-compliant cemetery/crematorium memorial decorations have been removed.	Adverse media coverage.	Obtain Member support for a fair and consistent strategic approach to enforcing the memorial policy.	C3	B2	Jonathan Bramley	

Glossary of Terms

Risk

An event which may prevent the Council achieving its objectives

Consequences

The outcome if the risk materialised

Mitigation

The processes and procedures that are in place to reduce the risk

Current Risk Score

The likelihood and impact score with the current mitigation measures in place

Target Risk Score

The likelihood and impact score that the Council is aiming to achieve

Service Unit Manager

The Service Unit or Officer responsible for managing the risk

Action Plan

The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5	[Hatched]				
	4	[]	[]	[Hatched]		
	3	[]	[]	[]	[Hatched]	
	2	[]	[]	[]	[]	[Hatched]
	1	[]	[]	[]	[]	[]
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low

B = Not Likely

C = Likely

D = Very Likely

E = Almost Certain

Impact

1 = Low

2 = Minor

3 = Medium

4 = Major

5 = Disaster